

Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapters 4, 5 & 6,
Articles 3, 6, 9, 13 and 14; Subchapter 7, Articles 2, 6.5, 6.95 and 7. Title 14 of the
California Code of Regulations (14 CCR),
Division 1.5, Chapter 4.5.**

**Amend: §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9],
923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5
[943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1090.26, 1104.1,
1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on
Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential,
and High Risk Crossings” (1st Edition, revised 04/21/14)
Adopt: §§ 1090.28 and 1094-1094.35**

**INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE
REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION
IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))...NECESSITY
(pursuant to GC § 11346.2(b)(1) and 11349(a))....BENEFITS (pursuant to GC §
11346.2(b)(1))**

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, et seq. (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to adopt forest practice rules and regulations to, among other things, “...assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources.”

Pursuant to authority given to the Board in the FPA, the Board is proposing the following action to create the Working Forest Management Plan (WFMP) program. The proposed action is mandated by the legislature and administration through the recent passing of AB 904, AB 2239 and SB 1345, which chaptered and subsequently amended PRC §§ 4593.10 and 4597 et seq. It was the intent of the legislature, under AB 904, to structure the Working Forest Management Plan (WFMP) based on the existing Non-Industrial Timber Management Plan (NTMP).

Laws on which the proposed action is based:

1. AB 904 creates the Working Forest Management Plan (WFMP) program. The

WFMP is a long-term forest management plan available to nonindustrial landowners (with less than 15,000 acres of timberland) if they commit to uneven aged management and sustained yield. It also obligates the Board to adopt regulations needed to implement the provisions of AB 904 by January 1, 2016.

2. AB 2239 establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receive notice on how to assume the plan. It also, gives discretion to (rather than mandates) the Department to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.
3. SB 1345 corrects an erroneous cross-reference in PRC § 4597.22 to the regulations in the Forest Practice Rules describing the Southern Subdistrict of the Coast Forest District, which is excluded from the WFMP program.

The Board is proposing action:

1. To adopt an article of regulation (14 CCR Article 6.95, §§ 1094 through 1094.29 and 1094.31) to make specific the use of a Working Forest Management Plan (WFMP) and a Working Forest Harvest Notice pursuant to AB 904 chaptered in PRC §§ 4597-4597.16 and 4597.20-4597.21.
Specifically, a person who intends to become a working forest landowner, as defined, would be allowed to file a WFMP with the Department with the long-term objective of an unevenaged timber stand and sustained yield through the implementation of the WFMP. It would require numerous provisions including the following:
 - A WFMP be prepared by a registered professional forester, be public record, and contain certain information.
 - The Department to provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
 - The Department to determine if the WFMP is accurate, complete, and in proper order.
 - The Director to return the WFMP if the Director determines that the WFMP is not in conformance, as provided.
 - The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved WFMP and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the Department in writing.
 - The notice to be public record and to include certain information, including a statement that state or federally listed rare, threatened, candidate, or endangered plant or animal species have not been discovered in the harvest area since the approval of the WFMP.
 - The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved WFMP's administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the WFMP and applicable laws.

- The Department to cancel a previously approved WFMP if the Department determines that the objectives of unevenaged management and sustained yield are not being met or if there are other persistent violations, as provided.
- 2. To adopt 14 CCR § 1094.32 to regulate the transition of an approved NTMP into a WFMP and the expansion of acreage associated with an approved WFMP pursuant to AB 904 chaptered in PRC § 4597.17.
- 3. To adopt 14 CCR § 1094.33 to suggest participants may also seek, simultaneously with the preparation of a WFMP, approval of a Safe Harbor Agreement from the Department of Fish and Wildlife (DFW) and that all review costs associated with the Safe Harbor Agreement Approval process incurred by DFW be paid from the Timber Regulation and Forest Restoration Fund pursuant to AB 904 chaptered in PRC § 4597.18.
- 4. To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in a NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19.
- 5. To adopt § 1094.35 to disallow the application of the WFMP in the Southern Subdistrict of the Coast Forest District pursuant to AB 904 chaptered in PRC § 4597.22. PRC § 4597.22 originally contained an incorrect reference and was subsequently corrected pursuant to SB 1345 chaptered in PRC § 4597.22.
- 6. To amend 14 CCR § 1090.26 and adopt 14 CCR § 1094.30 regarding the change of ownership of land described in either a NTMP or a WFMP pursuant to AB 2239 chaptered in PRC §§ 4593.10 and 4597.9. Note: The balance of AB 2239 chaptered in PRC §§ 4597.2, 4597.15 and 4597.16 are related to clean up of AB 904 and are reflected in 14 CCR §§ 1094.3, 1094.7 and 1094.31, respectively.
- 7. To amend existing Forest Practice Rules to incorporate reference to the WFMP into existing rules in 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings" (1st Edition, revised 04/21/14).

The problem addressed by the proposed action is the increasing cost of timber management and the consequent adverse impacts including, conversion, habitat fragmentation, decreasing forest health and decreasing timber industry infrastructure.

The primary purpose of the proposed action is to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist.

The effect of the proposed action would be to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, which would require preparation of a Plan that would allow for

long-term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP).

Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. The benefits of which include:

- Making non-industrial forest properties more economically viable by relieving eligible landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, consequently curtailing conversion and habitat fragmentation, increasing the opportunity for management to improve forest health and reducing the rate of loss of timber industry infrastructure.
- Incentivizing unevenaged management, which may afford increased carbon sequestration, conservation of scenic values and protection of water quality and fish and wildlife habitat.
- Incentivizing the purchase of additional timberlands. NTMP landowners who are close to the NTMP's 2,500 acreage limit may purchase additional timberlands once they have the option to transfer to a WFMP. Some NTMP landowners near the 2,500 acre limit have already indicated that they plan to acquire more timberlands if the WFMP program is enacted.
- Other benefits may or may not result. These beneficial effects upon the environment could be related to fire resiliency, habitat and aesthetics. However, these prospective benefits are speculative, but it may be presumed, at a minimum, that the level of protective effect upon the environment will not be reduced as a result of the proposed action.

The proposed WFMP program is modeled from the NTMP program; however, it applies to nonindustrial landowners with up to 15,000 acres of timberland and contains stricter environmental standards. The NTMP was created by the Legislature in 1990 to allow landowners with up to 2,500 acres to apply for a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of unevenaged forest management and proof that operations provide for sustained yield.

Through an NTMP, a nonindustrial timberland owner first prepares a management plan that is subject to a multi-agency review process and acts as the functional equivalent of an EIR under CEQA. The cost of preparing this management plan is greater than a typical THP. However, unlike a THP, which is good for no more than seven years, a NTMP lasts in perpetuity and the additional cost may be recaptured over time because subsequent harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the NTMP.

Today, NTMPs cover over 300,000 acres of California forests. Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. The California Department of Forestry and Fire Protection issued a preliminary report in January of

2013 titled *NTMP Expansion Study* that sought to identify the number of forestland owners that would be eligible for an NTMP if the acreage cap was lifted from 2,500 acres to 15,000 acres. This report identified 81 landowners with ownerships between 2,500 and 15,000 acres. However, given the exclusion of ownerships within the Southern Subdistrict of the Coast Forest District, for which the WFMP statute does not apply, the revised estimate of forestland owners with ownerships between 2,500 and 15,000 acres that are eligible for a WFMP is 67. In fact, the number of forestland owners eligible for a WFMP is higher, but is unknown, because there are a couple of other pathways for timberland owners to become eligible for a WFMP. First, a collection of two (2) or more landowners with a combined acreage of timberlands less than 15,000 acres may file a WFMP jointly and second, the owner of less than 2,500 acres of timberland may acquire ownership of additional acres.

At least 60 of the 81 landowners identified in the report used even aged management (i.e., clear cutting) at some point. These landowners would have an incentive to commit to long-term uneven aged management under a WFMP. Incentivizing unevenaged management may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.

In 2003, the Department issued a report on the NTMP program. The report explained that the NTMP program provides significant benefits to the State in a number of terms including societal benefits.

- The report states that "[r]etaining our non-industrial private forest lands in forest use provides tremendous...benefits, including retention of open space, protection of watersheds, water quality and forest soils, maintenance of diverse habitat for fish and wildlife, preservation of important cultural and historical sites, and promotion of recreational opportunities."
- "These benefits are all enhanced by the commitment of forest landowners to the long term stewardship and sustainable production requirements of a NTMP. On the broad statewide scale, the overarching public benefit is in encouraging owners of these small wooded parcels to take advantage of their rich forest soils, to enrich and improve their timber stands, to manage them sustainably into the future, and cumulatively retain that part of the state's rural, working landscape that characterizes California's private timberlands."
- The 2003 report concluded that "the NTMP program is meeting the uneven-aged management requirement of the Forest Practice Act...[and given] sufficient time to implement current NTMP management prescriptions, landowners will also be able to show that they are meeting the sustained yield requirement. Therefore, [the Department] has determined that the NTMP program is improving California's timberlands and recommends that the program be continued."
- Additionally, the report recommended that the NTMP acreage limit be increased to bring more timberlands into the program. "This change would benefit both landowners and the state by providing an opportunity for these additional timberlands to be placed into a sustained yield and uneven-aged management regime." Note: The proposed action essentially implements this recommendation.

The history of the development of this regulation is as follows:

- Published 45-Day Notice on January 16, 2015.
- Published Decision Not To Proceed on May 1, 2015.
- Published 45-Day Notice on May 1, 2015.
- Published Notice of Addition of Documents and Information to Rulemaking File on September 01, 2015.
- Withdrew from OAL, to avoid disapproval, on November 25, 2015. OAL determined that the file could not be approved based on issues of clarity, consistency, some necessity, failure to follow APA procedures, and other miscellaneous things.
- Published Decision Not To Proceed on February 19, 2016.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). *Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.*

The proposed action is mandated by the legislature and administration through the recent passing of AB 904, AB 2239 and SB 1345, which chaptered and subsequently amended PRC §§ 4593.10 and 4597 et seq. It was the intent of the legislature, under AB 904, to structure the Working Forest Management Plan (WFMP) based on the existing Non-Industrial Timber Management Plan (NTMP).

The problem addressed by the proposed action is the increasing cost of timber management and the consequent adverse impacts including, conversion, habitat fragmentation, decreasing forest health and decreasing timber industry infrastructure.

The primary purpose of the proposed action is to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist.

The effect of the proposed action would be to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, which would require preparation of a Plan that would allow for long-term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP).

Explanation for why the Proposed Action Duplicates and/or Rephrases Statute and Existing Rules

In several instances the language contained within the proposed amendments and adoptions, duplicates language within PRC §§ 4561, 4593.10 and 4597 et seq. and 14 CCR §§ 895, 895.1, 912.7 [932.7, 952.7], 913.10 [933.10, 953.10], 923.1 [943.1, 963.1], 923.9 [943.9, 963.9], 1054, 1071 and 1090-1090.27.

Since, it was the intent of the legislature, under AB 904, to structure the Working Forest Management Plan (WFMP) off of the existing Non-Industrial Timber Management Plan (NTMP), which contains duplicated language from statute (PRC § 4593 et seq.), the Board chose to duplicate statute (PRC § 4597 et seq.) in the proposed action to maintain consistency.

The legislative intent of AB 904, pursuant to PRC § 4597(a)(3), is for the WFMP rules to be modeled after the NTMP rules. Many of the provisions in the proposed WFMP rules need to be substantially the same as the provisions in the NTMP rules because they are similar programs, the type of regulated public is similar and the enforcement is similar.

Duplication was also used as a tool to achieve clarity by making the proposed amendments and adoptions congruent with existing rules and statute and to provide context and have all related information in one place so that the burden of having to reference both statute and other portions of the Forest Practice Rules is not placed on the regulated public.

Finally, duplication of the existing NTMP regulations in the proposed action was determined to be a prudent measure because the existing NTMP regulations were developed and informed by experts in the field of forestry and were developed through a collaborative effort between landowner, industry, agency and environmental representatives and were subsequently used to develop PRC § 4597 et seq. on which the proposed action is based.

Where the statute is made specific or interpreted an explanation, regarding why the proposed rule is reasonably necessary to carry out the purpose and to address the problem for which it is proposed, is provided.

Aggregated Explanation

Added 4597, where applicable, to Reference to reflect the WFMP statute.

The proposed amendments to these sections also capitalize the term “Plan” to reflect that it is a defined term.

Amend 14 CCR § 895 Abbreviations Applicable Throughout Chapter

The proposed amendment to this section includes a reference to the Working Forest Harvest Plan through the abbreviation of “WFMP”. The acronym “WFMP” is used throughout the proposed amendments and adoptions for purposes of brevity. It was noted in comment provided by the Department that any abbreviated terms that are utilized within the Forest Practice Rules (FPRs) need to be clearly defined within 14 CCR § 895, and therefore the Board proposes to include the defined acronym, which is

necessary for the regulated public to understand the abbreviations used throughout this chapter.

Amend 14 CCR § 895.1 Definitions

The proposed amendments to this section adds the Working Forest Management Plan (WFMP) to the definition of “Plan”, which is necessary so the WFMP is held to the same standards as other “Plans”, where the term is used within the scope of § 1094.

Otherwise, confusion would be introduced associated with the term “Plan” in existing regulation because it would not be clear to the regulated public what standards apply to the WFMP. This proposed amendment is substantively related to § 1094.

The proposed amendments to this section also add “WFMP” in the definition of “Current Archaeological Records Check”. The “Current Archaeological Records Check” is referenced in several locations within 14 CCR § 929 regarding the requirements for the identification and protection of cultural resources that may be affected during implementation of a WFMP. This amendment is necessary to make it clear that the records check must have been conducted within five years prior to the date a WFMP is submitted to the Director to be current.

The proposed amendments to this section also add “, pursuant to the Administrative Procedure Act” to the definition of “Rules” for clarity.

Amend 14 CCR § 913.11 [933.11, 953.11](a)-(c) Maximum Sustained Production of High Quality Timber Products

The proposed amendments to these sections add “WFMP”, where NTMP is used, for consistency and clarity. The proposed amendments are necessary to direct the project proponent to the options under which the WFMP must meet the objective of Maximum Sustained Production of High Quality Timber Products as required by statute (PRC § 4513). These options do not occur in a vacuum and the project proponent must also meet the requirements of the provisions specific to the WFMP related to this subject.

The proposed amendments to this section also add “, Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations” to provide clarity regarding the location of Article 6.8, so that the regulated public could more easily find it.

Amend 14 CCR § 916.5 [936.5, 956.5](e) Procedures for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures

The proposed amendments to these sections add “WFMP”, where NTMP is used, for consistency and clarity. The proposed amendments specify that sample identification of the WLPZ prior to the preharvest inspection may be allowed, which is necessary due to the large acreage of timberland, up to 15,000 acres, that could be contained within a WFMP, to allow Registered Professional Foresters (RPFs) to prepare, and landowners to pursue, a WFMP without have to conduct unnecessary upfront work and endure unnecessary expense during the preparation of a proposed WFMP. At the same time ensuring the protection of values related to watershed and aquatic habitat during implementation of the WFMP. Sample identification and marking of the watercourses prior to the preharvest inspection is necessary for agency evaluation of rule compliance

prior to approval of the WFMP.

Amend 14 CCR § 919.9 [939.9] Northern Spotted Owl

The proposed amendments to these sections add "WFMP", where NTMP is used, for consistency and clarity. The proposed amendments specify that a WFMP located in the Northern Spotted Owl Evaluation Area or within 1.3 miles of a known northern spotted owl activity center outside of the Northern Spotted Owl Evaluation Area shall follow one of the procedures required in subsections (a)-(g), which is necessary to enable the Director to evaluate whether or not the proposed activity would result in the "take" of an individual northern spotted owl.

Amend 14 CCR § 923 [943, 963](c)-(d) Intent for Logging Roads, Landings, and Logging Road Watercourse Crossings

The proposed amendments to these sections add §§ 1094.23 and 1094.24, which are the proposed deviation processes for the WFMP. The proposed amendments specify exceptions to 923 [943, 963] et seq. may be provided through application of Fish and Game Code Section 1600 et seq. and shall be made an enforceable part of the Plan in accordance with the proposed deviation processes for the WFMP, which is necessary to inform the regulated public of the two (2) processes by which new information may be incorporated into an approved WFMP as an enforceable provision.

Amend 14 CCR § 923.2 [943.2, 963.2](a)(5)-(6) Design and Location of Logging Roads and Landings

The proposed amendments to these sections update the revision date of the Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings, 1st Edition from 10/27/14 to 04/21/15 (TRA #5), which is necessary to provide the regulated public with an updated reference to TRA #5. TRA # 5 was incorporated by reference in the Road Rules approved in June of 2014.

The proposed amendments to these sections are substantively related to amendments to "Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings" (1st Edition, revised 10/27/14) (1st Edition, revised 04/21/15)".

Amend 14 CCR § 923.3 [943.3, 963.3](a) Mapping and Identification of Logging Roads and Landings

The proposed amendments to these sections provide cross reference to the provisions in §§1094.6 and 1094.8 that provide the WFMP specific mapping requirements for logging roads and landings, which is necessary for clarity, consistency and to increase efficiency.

The proposed amendments to these sections are substantively related to the following adoptions: §§1094.6(e)(4)-(5), (11) and (15) - (16) and 1094.8(u)(4)-(7) and (13)-(14).

Amend 14 CCR § 923.4 [943.4, 963.4](a) Construction and Reconstruction of

Logging Roads and Landings

The proposed amendments to these sections add §§ 1094.23 and 1094.24, which are the proposed deviation processes for the WFMP. The proposed amendments specify that if a change in designation of logging road classification is made after the Plan is approved, the change shall be reported in accordance with the proposed deviation processes for the WFMP, which is necessary to inform the regulated public of the two (2) processes by which new information may be incorporated into an approved WFMP.

The proposed amendments to these sections also update the revision date of the Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings, 1st Edition from 10/27/14 to 04/21/15 (TRA #5), which is necessary to provide the regulated public with an updated reference to TRA #5. TRA # 5 was incorporated by reference in the Road Rules approved in June of 2014.

The proposed amendments to these sections are substantively related to §§ 1094.23 and 1094.24 and amendments to “Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” ~~(1st Edition, revised 10/27/14)~~ (1st Edition, revised 04/21/15)”.

Amend 14 CCR § 923.5 [943.5, 963.5](a) and (g)-(h) Erosion Control for Logging Roads and Landings

The proposed amendments to these sections update the revision date of the Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings, 1st Edition from 10/27/14 to 04/21/15 (TRA #5), which is necessary to provide the regulated public with an updated reference to TRA #5. TRA # 5 was incorporated by reference in the Road Rules approved in June of 2014.

The proposed amendments to these sections are substantively related to amendments to “Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” ~~(1st Edition, revised 10/27/14)~~ (1st Edition, revised 04/21/15)”.

Amend 14 CCR § 923.9 [943.9, 963.9](m)(2) and (o) Watercourse Crossings

The proposed amendments to these sections update the revision date of the Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings, 1st Edition from 10/27/14 to 04/21/15 (TRA #5), which is necessary to provide the regulated public with an updated reference to TRA #5. TRA # 5 was incorporated by reference in the Road Rules approved in June of 2014.

The proposed amendments to these sections are substantively related to amendments to “Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk

Crossings" ~~(1st Edition, revised 10/27/14)~~ (1st Edition, revised 04/21/15)".

Amend 14 CCR § 929 [949, 969](b) Statement of Purpose

The proposed amendment to these sections adds "WFMP", where NTMP is used, for consistency and clarity. The proposed amendment emphasizes to the regulated public that the existing archaeological and historical resource protection regulations apply to the WFMP and is necessary to ensure that significant archaeological and historical sites within the WFMP are adequately identified and protected.

Amend 14 CCR § 945.1(a) and (b) Statement of Purpose

The proposed amendments to this section replaces the word "insure" with the word "ensure" for proper context and is necessary to increase the clarity of this section. The intention of the rule section is to ensure, or make certain, that these resources are identified and protected. The use of "insure" could cause the regulated public to misconstrue the purpose of this section.

The proposed amendments to this section also add "WFMP", where NTMP is used, for consistency and clarity. The proposed amendment emphasizes to the regulated public that the existing Lake County rules apply to the WFMP and is necessary to ensure that the visual and aesthetic sites identified within the Scenic Combining District within the WFMP are adequately identified and protected.

Amend 14 CCR § 1038(h)(2) Exemption

The proposed amendment to this section adds "WFMP", where NTMP is used, for consistency and clarity. The proposed amendment specifies the requirements of 14 CCR § 1038 (h)(2) need not be met if an approved WFMP addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of the approved WFMP and is necessary to prevent the project proponent from duplicating the analysis of large old trees contained in the approved WFMP.

Struck PRC § 4584.1 from Authority cited to remove unnecessary redundancy.

Amend 14 CCR § 1090.26(a)-(d) Change of Ownership-Timberland Owner(s)

The proposed amendments to this section add provisions (a) through (d) and reorders the existing provision to (e). Provisions (a) through (d) restate PRC § 4593.10, which was chaptered by the passage of AB 2239, which establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receive notice on how to assume the plan. It also, gives discretion to (rather than mandates) the Department to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.

The proposed amendments requires timberland owner(s) to provide the acquiring timberland owner(s) with a written Transfer of Responsibilities Notice that discloses the existence of the NTMP and informs the acquiring timberland owner(s) of the need to notify the Department of the acquiring timberland owner(s) intent to assume the

responsibilities of the approved NTMP. The transferring timberland owners would also be responsible for supplying the Department with a copy of the Transfer of Responsibilities Notice that was provided to the acquiring timberland owner(s). Additionally, if the Department discovers a transfer of ownership of timberland that is covered by an approved NTMP that the agency was not notified about, it then becomes the responsibility of the Department to provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice. The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of Responsibilities Notice from either the transferring timberland owner or the Department, whichever is applicable, to notify the Department in writing of their intent to assume the responsibilities of the NTMP. If the Department does not receive notification within this period, the Department may cancel the NTMP

1090.26(a) is necessary to ensure an acquiring timberland owner(s) is notified of the existence of a NTMP and the acquiring timberland owner's responsibility to notify the Department should they want to assume responsibility for the NTMP. Providing a copy of this notification to the Department allows the Department to determine if the process described in subsection (b) is necessary.

1090.26(b) is necessary to provide notification to an acquiring timberland owner(s) of the existence of a NTMP should the transferring timberland owner(s) fail to do so.

1090.26(c) is necessary to provide the acquiring timberland owner(s) enough time to evaluate the provisions within the NTMP while providing the Department with assurance that the decision will be made in a timely manner. Providing this decision in writing allows the Department to maintain a complete record of the change in timberland owner(s). The provision allowing the Department to cancel a plan after the time period expires will prevent the Department from holding open, for an indefinite period of time, a NTMP that has no responsible timberland owner.

1090.26(d) is necessary to prevent these regulations from creating a new crime that may burden local law enforcement agencies.

Adopt § 1090.28 State Restoration Projects

The proposed adoption restates PRC § 4597.19, it informs the regulated public that an entity with a NTMP may be eligible for state restoration grants. This is necessary because many state restoration grants exclude work that is otherwise required to be completed under a timber harvesting plan.

Article 6.95 Working Forest Management Plan Administration

Adopt § 1094 Rule Application

The purpose of this section is to make clear that where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in Chapter 4, Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as specified in PRC § 4597 et seq. and that in Subchapter 7 this equivalency will occur for all sections except 1032.7 through 1042 that are not referenced in this Article, or as otherwise

specified.

This section is necessary to ensure the WFMP is held to the same standards as other “Plans”, where the term is used within the scope of § 1094, including key requirements such as the obligation to provide the cumulative effects assessment. Otherwise, confusion would be introduced associated with the term “Plan” in existing regulation because it would not be clear to the regulated public what standards apply to the WFMP.

Pursuant to §1094, every time the word “Plan” is used in any of the sections referenced, it shall also mean WFMP unless the context is otherwise indicated in that provision such as in 14 CCR § 914.7 that references “winter operating plan”, which is defined in that section. “LTSY plan” is referenced in § 1094.6(n)(1), where the use of plan is loose and is more an estimate and associated parameters within the WFMP, the constraints and contents of which are provided in § 1094.6. The regulated public will not be confused by the use of the term “Plan” because it is of general knowledge that when the term “Plan” is used in sections such as 916.2(a)(2), 916.4(b), 916.9(b), 916.9(f)(1), 923.5(q)(2) and 936.6(a)(1)(E), it shall apply to THPs, NTMPs and PTHPs and WFMPs alike.

This section restates 14 CCR § 1090 and is substantively related to the amended definition of “Plan” in 14 CCR § 895.1 in which the inclusion of WFMP is proposed.

Adopt § 1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations

The proposed adoption specifies that the WFMP or Working Forest Harvest Notice shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office and shall contain the information specified in 14 CCR §§ 1094.6 or 1094.8, which is necessary to provide clear direction to the regulated public of the appropriate CAL FIRE Review Team Office to submit a WFMP or Notice and the information it is required to contain.

This provision is substantially the same as 14 CCR § 1090.1, the comparable provision in the NTMP rules, except that it has been made specific to the WFMP.

Adopt § 1094.2(a)–(m) Definitions

The proposed adoptions define terms to be used in Article 6.95, Working Forest Plan Administration, and are necessary to provide the regulated public with clear definitions of the terms used in the WFMP program and facilitate Department enforcement of the provisions of the WFMP. The definitions proposed for adoption apply only to Article 6.95 and do not apply to other Articles contained within the FPRs.

Adopt § 1094.2(a) Definition of “Designated Agent”

The proposed adoption of the definition of “Designated Agent” is for the purpose of reducing the enforcement issues that the Department has experienced with the management of NTMPs with multiple landowners. The Department requested that a

single point of contact be designated for each WFMP so that administrative processes and land management decisions for landowners participating in WFMPs are communicated to the Department through one entity, which resulted in the development of the “Designated Agent”. The “Designated Agent” is that single point of contact for all landowners participating in a WFMP. Responsibilities of the “Designated Agent” are provided in subsequent sections proposed for adoption. The “Designated Agent” also provides a responsible party during any compliance and enforcement issues resulting from any deficiencies during WFMP administration.

Adopt § 1094.2(b) Definition of “Late Succession Forest Stands”

The proposed adoption of the definition of “Late Succession Forest Stands” duplicates the definition of “Late Succession Forest Stands” found in PRC § 4597.2(g)(3) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(c) Definition of “Long Term Sustained Yield (LTSY)”

The proposed adoption of the definition of “Long Term Sustained Yield (LTSY)” duplicates the definition of “Long Term Sustained Yield (LTSY)” found in PRC § 4597.1(a) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(d) Definition of “Major Stand Type”

The proposed adoption of the definition of “Major Stand Type” duplicates the definition of “Major Stand Type” found in PRC § 4597.1(b) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(e) Definition of “Management Unit”

The proposed adoption of the definition of “Management Unit” duplicates the definition of “Management Unit” found in PRC § 4597.1(c) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(f) Definition of “Stand”

The proposed adoption of the definition of “Stand” duplicates the definition of “Stand” found in PRC § 4597.1(d) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(g) Definition of “Strata”

The proposed adoption of the definition of “Strata” duplicates the definition of “Strata” found in PRC § 4597.1(e) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(h) Definition of “Sustained Yield”

The proposed adoption of the definition of “Sustained Yield” duplicates the definition of “Sustained Yield” found in PRC § 4597.1(f) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(i) Definition of “Unevenaged Management”

The proposed adoption of the definition of “Unevenaged Management” duplicates the definition of “Unevenaged Management” found in PRC § 4597.1(g) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(j) Definition of “Working Forest Harvest Notice”

The proposed adoption of the definition of “Working Forest Harvest Notice” is substantially the same as the definition of “Working Forest Harvest Notice” found in PRC § 4597.1(h), except that it replaces references to relevant portions of statute with relevant portions of this Article (specifically § 1094.8), and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(k) Definition of “Working Forest Landowner”

The proposed adoption of the definition of “Working Forest Landowner” duplicates the definition of “Working Forest Landowner” found in PRC § 4597.1(i) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(l) Definition of “Working Forest Management Plan”

The proposed adoption of the definition of “Working Forest Management Plan” is substantially the same as the definition of “Working Forest Management Plan” found in PRC § 4597.1(j), except that more specificity is provided regarding “other important values” and makes clear that a WFMP shall be less than 15,000 acres of timberland, and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.2(m) Definition of “Working Forest Timberlands”

The proposed adoption of the definition of “Working Forest Timberlands” duplicates the definition of “Working Forest Timberlands” found in PRC § 4597.1(k) and is for the purpose of having all related information in one place so that the burden of having to reference statute is not placed on the regulated public.

Adopt § 1094.3 WFMP Submittal and Notice of Preparation

The proposed adoption is a preamble that specifies that a WFMP must be prepared by an RPF, shall be public record, shall include the information required by § 1094.6 and shall meet the conditions of § 1094.3(a) – (g), which is necessary to inform the regulated public the minimum conditions required for the preparation of a WFMP and to provide context.

This preamble is a restatement of the preamble found in PRC § 4597.2 with additional specificity.

Adopt § 1094.3(a)

The proposed adoption specifies that a WFMP shall be submitted by the person(s) who owns the timberland included the WFMP and is substantially the same as 14 CCR § 1090.2(a), the comparable provision in the NTMP rules, and is necessary to identify the person responsible for submitting a WFMP for clarity and accountability.

Adopt § 1094.3(b)

The proposed adoption specifies that when a timberland owner submits a WFMP of which the timber, or a portion thereof, is owned by another party, the timberland owner must supply a prompt written notice to the timber owner of WFMP submittal. This provision is substantially the same as 14 CCR § 1090.2(b), the comparable provision in the NTMP rules, and is necessary to ensure timely communication between the timberland owner and the timber owner, upon submission of a WFMP, when these two parties are not the same.

Adopt § 1094.3(c)(1)-(3)

The proposed adoptions specify the conditions under which a Notice of Preparation must be prepared and submitted to the Director. The conditions are (1) if any of the proposed plan boundaries lie within 300 feet of property owned by another person other than the plan submitter (2) if any deviation changes a plan boundary where the new plan boundaries of the additional area added to the plan lies within 300 feet of property owned by another person other than the plan submitter or (3) if any deviation changes the silvicultural method if a Notice of Preparation was required for the WFMP by conditions (1) or (2).

These provisions are necessary to ensure adjacent property owners are notified of the proposed operations under the WFMP, which allows them to evaluate whether they would like to review the entirety of the WFMP or provide public comment during the multi-disciplinary review process.

These provisions are substantially the same as 14 CCR § 1090.2(c)(1)-(3), the comparable provisions in the NTMP rules.

Adopt § 1094.3(d)(1)-(7)

The proposed adoptions specify the information that shall be included in the Notice of Preparation. The information being required is (1) the name(s) of the plan submitter (2) the legal description of the Plan area, including county, and the approximate direction and distance to the Plan area from the nearest community or well-known landmark (3) the name of the nearest perennial blue line stream flowing through or downstream from the Plan area (4) the acreage of the WFMP area and the acreage of the Working Forest Timberlands within which timber operations under the WFMP are to be conducted (5) the silvicultural method(s) proposed (6) the estimated earliest date that the Director may approve the Plan pursuant to § 1094.17 and (7) a statement that the public may review

Comment [TB1]: MGMT 040516

the plan at the specified CAL FIRE Review Team Office and that the Director may set a reasonable per page fee for copies requested by the public.

These provisions are necessary to provide basic information about the nature of the proposed operations under the WFMP to the person(s) identified in provision § 1094.3 (e) and to the interested public. This basic information allows the interested public to evaluate whether they would like to review the entirety of the WFMP or provide public comment during the multi-disciplinary review process.

These provisions are substantially the same as 14 CCR § 1090.2(d)(1)-(7), the comparable provisions in the NTMP rules, except that they have been made specific to the WFMP.

Adopt § 1094.3(e)

The proposed adoption specifies that the plan submitter(s) is responsible for providing the Department a copy of the names of all landowners who own property within 300 feet of the proposed WFMP and provides guidance on acceptable standards on how to generate the list of landowner names.

This provision is necessary to establish the process that results in a list of adjacent property owners and identifies that the plan submitter is responsible for furnishing the list to the Department.

This provision is substantially the same as 14 CCR § 1090.2(e), the comparable provision in the NTMP rules. This provision was also informed by PRC § 4597.3.

Adopt § 1094.3(f)

The proposed adoption specifies that the Department is responsible for mailing copies of the Notice of Preparation to all persons identified by the Plan Submitter(s) in § 1094.3(e) within two working days of the receipt of the Plan.

This provision is necessary to establish the process that results in the adjacent property owners, identified in § 1094.3(e), receiving the Notice of Preparation and identifies that the Department is responsible for executing the mailing, which is necessary to ensure adjacent property owners are notified in a timely manner of and receive basic information about the nature of the proposed operations under the WFMP. This basic information allows them to evaluate whether they would like to review the entirety of the WFMP or provide public comment during the multi-disciplinary review process.

This provision is substantially the same as 14 CCR § 1090.2(f), the comparable provision in the NTMP rules. This provision was also informed by PRC § 4597.3.

Adopt § 1094.3(g)

The proposed adoption specifies that the plan submitter is responsible for posting the Notice of Preparation for purposes of public inspection at a conspicuous location that is easily visible to the public and near the Plan site. This provision also requires that the

noticing identified in 14 CCR § 1032.10, requesting information on domestic water supplies, and any noticing required within counties with special rules be completed prior to WFMP submission.

This provision is necessary to establish the process that maximizes the likelihood of members of the interested public, that drive by the Plan site, seeing the Notice of Preparation and identifies that the plan submitter is responsible for the posting, which is necessary to ensure the interested public are notified in a timely manner of and receive basic information about the nature of the proposed operations under the WFMP. This basic information allows the interested public to evaluate whether they would like to review the entirety of the WFMP or provide public comment during the multi-disciplinary review process. The latter part of the provision is necessary to provide clarity that the noticing required in 14 CCR § 1032.10, requesting information on domestic water supplies, and any noticing required within counties with special rules apply to a WFMP and must be completed prior to WFMP submission.

This provision is substantially the same as 14 CCR § 1090.2(g), the comparable provision in the NTMP rules.

Adopt § 1094.4(a)-(e) Notice of Preparation-Distribution by the Director

The proposed adoptions specify that the Director shall distribute the Notice of Preparation, within two working days of receipt, to (a) the Office of the County Clerk of the county(s) in which timber operations are proposed (b) the local Unit headquarters (c) other locations that the Director deems desirable and feasible to provide adequate public notice (d) any additional distribution required by the Board rules and regulations for individual counties and (e) a publically available internet database.

These provisions are necessary to provide instruction to the Director on distribution of the Notice of Preparation and inform the regulated public when and where the Notice of Preparation will be distributed for posting. The identified minimum distribution locations ensure that the Notice of Preparation is available in predictable locations accessible to the general public.

These provisions are substantially the same as 14 CCR § 1090.3(a)-(d), the comparable provisions in the NTMP rules. The basis for the requirement in § 1094.3(e) can be found in PRC §4597.3.

Adopt § 1094.5(a)-(b) Request for Notification of WFMP or Working Forest Harvest Notice Submission

The proposed adoptions specify that (a) each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working Forest Harvest Notice(s) submitted each day, otherwise known as notices of submission, and (b) when any person requests notices of submission, the Director shall provide the person, free of charge, with a copy of them on the date or dates requested and if no specific date is requested, a copy of the lists for the preceding week shall be provided.

Comment [TB2]: MGMT: The Department's Internet Web site. Also see preamble of 1094.8.

Otherwise explain further how regulated public will know how to find "A publically available internet database."

FYI: PRC § 4597.3, on which §1094.4(e) is based, does not specify the Department's website.

Common knowledge: ftp repository. Is NOP posted there?

These provisions are necessary to provide a transparent process for the interested public to find out when a WFMP or a Working Forest Harvest Notice has been filed with the Department and to provide the Director instruction regarding making this information available to the public.

These provisions are substantially the same as 14 CCR § 1090.4(a)-(b), the comparable provisions in the NTMP rules, except that they have been made specific to the WFMP. These provisions were also informed by PRC § 4597.4.

Adopt § 1094.6 Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall serve three functions 1) to provide information needed by the Director to determine whether the proposed WFMP conforms to the Board rules and regulations 2) to provide information and direction for timber management so it complies with the Board rules and regulations and the management objectives of the landowner(s) and 3) to disclose the potential effects of timber management to the public and provides a leading statement that in order for the function of the WFMP to be met the plan must contain the information as required in § 1094.6(a)-(kk), which is necessary to inform the regulated public of the contents required to be included in a WFMP. This preamble is also necessary to inform the regulated public of the purpose of the contents of the WFMP. Disclosing the purpose allows the interested public to know what information to expect from the contents of a WFMP.

This provision is substantially the same as the preamble located in 14 CCR § 1090.5(a)-(b), the comparable provision in the NTMP rules, except that it has been made specific to the WFMP.

Adopt § 1094.6(a)-(d) Contents of WFMP

The proposed adoptions specify that the WFMP shall contain the name, address and telephone number of (a) the timberland owner(s) (b) the Designated Agent (if known at the time of WFMP submission) (c) the timber owner(s) (if different from the timberland owner(s)) and (d) the RPF who prepared the plan and their registration number.

These provisions are necessary so the Department has the names and contact information for each of the parties responsible in the WFMP program to facilitate communication and enforcement.

These provisions are substantially the same as 14 CCR § 1090.5(a)-(c), the comparable provisions in the NTMP rules, except that they have been made specific to the WFMP. Provision § 1094.6(a) was also informed by PRC § 4597.2(a).

Adopt § 1094.6(e) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile, and provides a leading statement that this map shall include the information as required in § 1094.6(e)(1)-(18), which is necessary to inform the regulated public of the

type of map, scale of the map and the information to be included on the map. This map is necessary to facilitate review and operations to geospatially display the project area, type of operations, infrastructure and resources that may be impacted by timber operations under the WFMP. This map is essential for the RPF, project proponent, interdisciplinary review team, public and timber operator to conduct their duties efficiently and satisfactorily. This map also facilitates evaluation of the surrounding environmental conditions that may be impacted by these operations.

This preamble is informed by the preamble located in 14 CCR § 1090.5(w), the comparable provision in the NTMP rules.

Adopt § 1094.6(e)(1) Contents of WFMP

The proposed adoption requires that WFMP Management Units be mapped. Additionally, boundaries of Management Units shall not exceed a single ownership which may include, but is not limited to, entities comprised as a single ownership of divided interest, natural-persons with undivided interests, or a legally established artificial-person. This limitation was included at the request of the Department to address issues of the Department being the mediator of disagreements between timber owners during implementation of NTMPs when a management unit spans multiple ownerships. The Board deemed this limitation necessary in the WFMP rules to remediate the problem conveyed by the Department about the NTMP rules.

This provision is informed by 14 CCR § 1090.5(w)(1), the comparable provision in the NTMP rules, except that it has been made specific to the WFMP. This provision was also informed by PRC § 4597.2(i)(1)(C).

Adopt § 1094.6(e)(2) Contents of WFMP

The proposed adoption requires the boundaries of yarding (logging) systems, if more than one type is proposed for use, be mapped, which is necessary to facilitate review and operations.

This provision is substantially the same as 14 CCR § 1090.5(w)(3), the comparable provision in the NTMP rules. This provision was also informed by PRC § 4597.2(i)(1)(B).

Adopt § 1094.6(e)(3) Contents of WFMP

The proposed adoption requires the boundaries of areas sample marked for each prescribed silvicultural method, be mapped, which is necessary to facilitate Department review, especially during the preharvest inspection. This provision was included because the Department requires that a portion of the WFMP be sample marked, by silvicultural prescription, to facilitate adequate review of proposed harvesting. Therefore, the Board deemed this provision necessary in the WFMP rules based upon a demonstrated need by the Department for the purposes of review of proposed WFMPs. This requirement is not specified in the NTMP rules or required by statute.

Adopt § 1094.6(e)(4) Contents of WFMP

The proposed adoption is a preamble that specifies that the location of all roads to be used for, or potentially impacted by, timber operations shall be mapped and provides a leading statement that the information as required in § 1094.6(e)(4)(A)–(E) shall be included, which is necessary to inform the regulated public of the information required to be mapped.

This provision is substantially the same as the preamble located in 14 CCR § 1090.5(w)(4), the comparable provision in the NTMP rules.

Adopt § 1094.6(e)(4)(A)–(E) Contents of WFMP

The proposed adoptions specify that (A) The classification of all roads as permanent, seasonal, temporary, or deactivated (B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas, other than at road watercourse crossings (C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting sites (D) Public roads within one-quarter (1/4) mile of the harvest area and (E) The location of significant existing and potential erosion sites on all roads and landings pursuant to 14 CCR § 923.1(e) shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

These provisions are substantially the same as 14 CCR § 1090.5(w)(4)(A)–(E), the comparable provisions in the NTMP rules, except that “marshes” was removed and “or proposed for abandonment” was replaced with “or deactivated”. Marshes was removed for clarity because it is an undefined term and the Merriam Webster definition is similar to the defined term “Wet Meadows and other wet areas”. The latter modification was requested by representatives of the California Geological Survey (CGS) and North Coast Regional Water Quality Control Board (WQ) and the Board deemed necessary because roads “to be abandoned” are already required to be mapped in § 1094.6(e)(11) and roads that have already been abandoned should not have to be mapped because they are no longer part of the permanent road network. Finally for clarity the Board replaced “or” with “and”, in § 1094.6(e)(4)(E), to be consistent with existing regulation in 14 CCR § 923.1(e). § 1094.6(e)(4)(A) was also informed by § 1090.5(gg).

Adopt § 1094.6(e)(5) Contents of WFMP

The proposed adoption specifies that the location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or whose construction involves substantial excavation shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

The Board deemed that it was not necessary to make the term “substantial excavation” more specific based on comment received from CGS and the Department at the 01/26/16 Management Committee meeting. This term is in the existing THP rules, NTMP rules and PTHP rules and no issues on the application of it have been reported to date.

This provision was informed by 14 CCR § 1090.5(w)(5), the comparable provision in the NTMP rules, except that “Probable location of proposed and existing landings in the

watercourse and lake protection zone” was not incorporated to eliminate redundancy because this is required by provision § 1094.6(e)(4)(B).

Adopt § 1094.6(e)(6) Contents of WFMP

The proposed adoption specifies that the location of area(s) of low, moderate, high or extreme erosion hazard ratings shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision was informed by 14 CCR § 1090.5(w)(8), the comparable provision in the NTMP rules, except that the requirement that low and moderate erosion hazard ratings be mapped was added. The Board deemed that it was necessary to require that this information be mapped for ease of operations and enforcement given that different prescriptive measures are required for different erosion hazard ratings, such as waterbar spacing. This provision was also informed by 14 CCR § 1034(x)(8), which requires that the location of erosion hazard rating areas, if more than one rating exists be mapped.

Adopt § 1094.6(e)(7) Contents of WFMP

The proposed adoption specifies that the location of all Lakes and Watercourses with Class I, II, III, or IV waters shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision was informed by 14 CCR § 1090.5(w)(9), the comparable provision in the NTMP rules, except that lakes be mapped was added. The Board deemed that it was necessary to require that this information be mapped for ease of operations and enforcement given the protection measures that are associated with them. This provision was also informed by 14 CCR § 1034(x)(9), which is substantially the same.

Adopt § 1094.6(e)(8) Contents of WFMP

The proposed adoption specifies that the location of known unstable areas or slides shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision is substantially the same as 14 CCR § 1090.5(w)(10), the comparable provision in the NTMP rules.

Adopt § 1094.6(e)(9) Contents of WFMP

The proposed adoption specifies that the location of understocked areas and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules, shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision is substantially the same as 14 CCR § 1090.5(w)(11), the comparable provision in the NTMP rules.

Adopt § 1094.6(e)(10) Contents of WFMP

The proposed adoption specifies that the location of boundaries of timber-site classes needed for determination of stocking standards to be applied shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision was informed by 14 CCR § 1090.5(w)(12), the comparable provision in the NTMP rules, except that “down to at least a 10-acre minimum or as specified in the district rules” was not added for congruency with PRC § 4597.2, which requires the boundaries of all site I classification timberlands to be stocked in accordance with subdivision (b) of PRC§ 4561 and any other site classifications (if the board establishes specific minimum stocking standards for other site classifications) be mapped. This provision was also informed by § 1094.6(v), which requires a description of stocking standards of the selected silvicultural method, or that level of stocking above the minimum that will achieve long term sustained yield (LTSY) be provided.

Adopt § 1094.6(e)(11) Contents of WFMP

The proposed adoption specifies that the locations of logging roads and landings to be abandoned or deactivated shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision was informed by 14 CCR § 1090.5(gg), the comparable provision in the NTMP rules, which requires on a map complying with 14 CCR § 1090.5(w), the locations and classifications of logging roads, logging road watercourse crossings, and landings to be abandoned or deactivated shall be shown. In the WFMP rules, these requirements have been divided in § 1094.6(e)(4)(A), (11) and (15) for the purpose of congruency with the Road Rules, approved in 2014, and to avoid redundancy.

Adopt § 1094.6(e)(12) Contents of WFMP

The proposed adoption specifies that soils, where a soils map is available, shall be mapped, which is, at a minimum, necessary to facilitate review.

This provision is substantially the same as 14 CCR § 1090.5(w)(14), the comparable provision in the NTMP rules, and is also informed by PRC § 4597.2.

Adopt § 1094.6(e)(13) Contents of WFMP

The proposed adoption specifies that Late Successional Forest Stands or Strata shall be mapped, which is, at a minimum, necessary to facilitate review.

This provision is substantially the same as PRC § 4597.2(g)(2).

Adopt § 1094.6(e)(14) Contents of WFMP

The proposed adoption specifies that the location of unique areas including Coastal Commission Special Treatment Areas or other special treatment areas and known locations of state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision is substantially the same as 14 CCR § 1090.5(w)(13), the comparable provision in the NTMP rules, except the latter portion of the provision that requires mapping of known locations of specified species was added. This portion of the provision was developed in conjunction with the California Department of Fish and Wildlife to address the conservation of wildlife resources during implementation of WFMPs.

This provision is also informed by PRC § 4597.2(e).

Adopt § 1094.6(e)(15) Contents of WFMP

The proposed adoption specifies that the location of all new permanent constructed and reconstructed and temporary logging road watercourse crossings, including those crossings to be abandoned or deactivated shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

This provision was informed 14 CCR § 1090.5(w)(7), the comparable provision in the NTMP rules, which states that the location of all existing and proposed permanent watercourse crossing drainage structures and temporary crossings on Class I and II watercourses on roads shall be mapped; if a permanent culvert is involved, its minimum diameter shall be provided. However, this provision was changed for congruency with the Road Rules, adopted in 2014, and is now substantially the same as 14 CCR §§ 1034(x)(6) and 923.9(e), except that the requirement in 14 CCR § 923.9(e), that the Plan specify the minimum diameter of the culvert (if the culvert is intended for permanent use) and the method(s) used to determine the culvert diameter is in a separate provision in 14 CCR § 1090.5(hh).

Adopt § 1094.6(e)(16) Contents of WFMP

The proposed adoption is a preamble that provides a leading statement that, for all constructed and reconstructed logging roads and landings, the information required in § 1094.6(e)(16)(A)-(F) shall be mapped, which is necessary to inform the regulated public of information required to be mapped.

Although, the legislative intent of the WFMP was to build upon the model provided by the NTMP pursuant to PRC § 4597(a)(3), and § 1094.6(e)(16)(A) and (C)-(F) are not required to be mapped pursuant to the NTMP rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include these provisions. This is necessary to minimize confusion.

This provision is substantially the same as the preamble located in 14 CCR § 1034(x)(5).

Adopt § 1094.6(e)(16)(A)-(F) Contents of WFMP

The proposed adoptions specify that the (A) location of logging road grades greater than 15 percent for over 200 continuous feet or logging road grades exceeding 20

percent (B) locations of logging road failures on existing logging roads to be reconstructed (C) location of logging roads across and landings on unstable areas or connected headwall swales (D) location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas (E) location of logging roads and landings across slopes greater than 65 percent for 100 lineal feet or more and (F) location of logging roads and landings across slopes greater than 50 percent for 100 lineal feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake shall be mapped. These provisions are necessary to facilitate review, operations, communication and enforcement.

Although, the legislative intent of the WFMP was to build upon the model provided by the NTMP pursuant to PRC § 4597(a)(3), and § 1094.6(e)(16)(A) and (C)-(F) are not required to be mapped pursuant to the NTMP rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include these provisions. This is necessary to minimize confusion.

§ 1094.6(e)(16)(A) is substantially the same as 14 CCR § 1034(x)(5)(A).
§ 1094.6(e)(16)(B) is substantially the same as 14 CCR §§ 1090.5(w)(6) and 1034(x)(5)(B), except that the Board replaced “road” with “logging road”, for clarity because “logging road” is a defined term pursuant to 14 CCR § 895.1.
§ 1094.6(e)(16)(C) is substantially the same as 14 CCR § 1034(x)(5)(C).
§ 1094.6(e)(16)(D) is substantially the same as 14 CCR § 1034(x)(5)(E).
§ 1094.6(e)(16)(E) is substantially the same as 14 CCR § 1034(x)(5)(F).
§ 1094.6(e)(16)(F) is substantially the same as 14 CCR § 1034(x)(5)(G).
Note: 14 CCR § 1034(x)(5)(D) is already required in § 1094.6(e)(5).

Adopt § 1094.6(e)(17) Contents of WFMP

The proposed adoption specifies that the location of main ridge tops on the logging area suitable for fire suppression efforts that will require the felling of snags shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

Although, the legislative intent of the WFMP was to build upon the model provided by the NTMP pursuant to PRC § 4597(a)(3), and § 1094.6(e)(17) is not required to be mapped pursuant to the NTMP rules, in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision. This provision is substantially the same as 14 CCR § 1034(x)(13).

Adopt § 1094.6(e)(18) Contents of WFMP

The proposed adoption specifies that the location of any in lieu use of heavy equipment and location of tractor roads in watercourses, lakes, WLPZs, marshes, wet meadows, and other wet areas, except where the WFMP has a standard operating practice(s) pursuant to 1094.6 (jj) shall be mapped, which is necessary to facilitate review, operations, communication and enforcement.

Although, the legislative intent of the WFMP was to build upon the model provided by

the NTMP pursuant to PRC § 4597(a)(3), and § 1094.6(e)(18) is not required to be mapped pursuant to the NTMP rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision. This provision is substantially the same as 14 CCR § 1034(x)(16), except “except where the WFMP has a standard operating practice(s) pursuant to §1094.6 (jj)” was added so as not to undermine the purpose of § 1094.6(jj).

Adopt § 1094.6(f) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of the Plan area within which timber operations are to be conducted, except as otherwise specified and provides a leading statement that the description shall include the information as required in § 1094.6(f)(1)-(5), which is necessary to inform the regulated public of the contents required to be included in the description of the Plan area within which timber operations are to be conducted.

This provision is substantially the same as the preamble in 14 CCR § 1090.5(d), the comparable provision in the NTMP rules. This provision is also informed by PRC § 4597.2(b).

Adopt § 1094.6(f)(1)-(5) Contents of WFMP

The proposed adoptions specify that the description of the Plan area within which timber operations are to be conducted shall contain (1) Township, range, and section number(s) and approximate Plan acreage, (2) County name(s), (3) CALWATER v2.2 planning watershed number(s), (4) The forest district and subdistrict (if any) in which the WFMP is located and (5) A description of present and proposed Plan area uses other than timber production.

These provisions are necessary to provide a clear description of the area proposed for timber operations in order to geospatially reference the project. The public land survey description allows for the area to be located on other maps that contain locations of sensitive resources. The County name, in part, allows for the plan to be publicly noticed in the correct location. The planning watershed is used, in part, to identify other projects in the same planning watershed that may cumulatively add to the impacts of the proposed project. The forest district in which timber operations will occur determines which regulations apply. Identifying other land uses allows for the reviewing agencies to determine other values that may be impacted by the proposed timber operations. These provisions are also necessary to facilitate review, operations, communication and enforcement.

These provisions are substantially the same as 14 CCR § 1090.5(d)(2)-(5) and (e), the comparable provision in the NTMP rules. These provisions are also informed by PRC § 4597.2(b). The Board deemed that 14 CCR § 1090.5(d)(1), which required that the U.S. Geological Survey (USGS) Quadrangle name(s) and date(s) be provided in the NTMP was not necessary to be provided in the WFMP because township, range, and section number(s) was deemed adequate to geospatially locate the Plan.

Adopt § 1094.6(g) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description, prepared by the RPF, of the inventory design and standards and provides a leading statement that the description shall include the information as required in § 1094.6(g)(1)-(3), which is necessary to inform the regulated public of the contents required to be included in the description of the inventory design and standards.

This provision was informed by the preamble in PRC § 4597.2(c).

Adopt § 1094.6(g)(1)-(3) Contents of WFMP

The proposed adoptions specify that the description of the inventory design and standards shall contain (1) the baseline conditions found on the WFMP and including the future conditions and planning horizon associated with the estimate of LTSY, (2) a description of the design of inventory plots or strips, cruise lines and reference points between plots or strips, that are sufficient to facilitate initial review of the WFMP and (3) the type of projections or models used for projecting growth and yield shall be appropriate for stand conditions and estimated period of time to achieve LTSY.

Comment [TB3]: MGMT 040516

The Board deemed that it was not necessary to make the term "baseline conditions" more specific. However, the Board added that the requirement that existing timber volumes be provided in the property description pursuant to § 1094.6(i) and that existing timber volumes and tree sizes to be available for harvest be provided in the description for each management unit pursuant to § 1094.6(n) to insure that baseline conditions would be captured. Regarding the term "baseline conditions", terms not specifically defined in the rules retain their plain meaning. Merriam-Webster defines "baseline conditions" as a usually initial set of critical observations or data used for comparison or a control. Therefore in the context of § 1094.6(g)(1), "baseline conditions" means the initial set of critical observations or data to be used for comparison with actual future conditions.

These provisions are necessary to provide additional clarity and enforceability above and beyond the NTMP rules, which do not substantially contain these provisions, and to make specific PRC § 4597.2(c) which requires a description of inventory design. These proposed provisions are also necessary to allow the Department to effectively evaluate the proposed project with regard to growth and yield and allow flexibility for RPFs and landowners to develop a LTSY that is specific to the proposed project.

Additionally, these provisions are necessary to allow the project proponent, public and interdisciplinary review team to evaluate the accuracy of the inventory and the projected growth and yield. The current inventory of forest stands is determined through measuring a sample of the trees occupying the stand. There are numerous acceptable sampling methods to arrive at an inventory estimate. The public and review team need to know the estimated inventory and the method by which the estimate was derived to evaluate the appropriateness of the proposed management strategy. Similarly, numerous growth and yield models exist for projecting estimated future growth of forest

stands. Knowing which models were used is needed to allow the project proponent, public and reviewing agencies to understand the assumptions and limitations of the projected growth and yield data being reported.

These provisions are informed by 14 CCR § 1090.5(j) and PRC § 4597.2(c)(3) and (f).

Adopt § 1094.6(h) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of the inventory design and timber stand stratification criteria that demonstrates that the inventory supporting the growth and yield calculations used to determine LTSY by volume for the WFMPs meets minimum standards and provides a leading statement that these minimum standards are specified in § 1094.6(h)(1)-(3), which is necessary for clarity.

This provision is substantially the same as the preamble in PRC § 4597.2(c)(3), except that the Board made specific the units of LTSY through the addition of “by volume”, which was necessary for clarity, consistency and to facilitate review.

Adopt § 1094.6(h)(1)-(3) Contents of WFMP

The proposed adoptions specify minimum standards the inventory supporting the growth and yield calculations used to determine LTSY by volume must meet (1) For Major Stand Type(s) or Strata, the inventory estimate shall be within fifteen (15) percent of the mean at one (1) standard error. (2) For Stand(s) or Strata that make up greater than ten (10) percent and less than twenty five (25) percent of the WFMP area, the estimate shall be no greater than twenty five (25) percent of the mean at one (1) standard error. and (3) Inventory estimates and growth and yield shall be projected for the purposes of determining LTSY and volumes available for harvest by Stand or Strata and aggregated for the area covered by the WFMP to develop the LTSY estimate. LTSY estimates shall reasonably reflect constraints applicable to the Working Forest Timberlands on forest management activities. Reasonable constraints shall include biologic and economic factors, while accounting for limits on productivity due to constraints imposed from consideration of other forest values, including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional economic activity, employment and aesthetic enjoyment.

These provisions are necessary to provide additional clarity and enforceability above and beyond the NTMP rules, which do not substantially contain these provisions, and to make specific PRC § 4597.2(c). These proposed provisions are also necessary to allow the Department to effectively evaluate the proposed project with regard to growth and yield and allow flexibility for RPFs and landowners to develop a LTSY that is specific to the proposed project.

Additionally, these provisions are necessary to allow the project proponent, public and interdisciplinary review team to evaluate the accuracy of the inventory and the projected growth and yield. The current inventory of forest stands is determined through measuring a sample of the trees occupying the stand. There are numerous acceptable sampling methods to arrive at an inventory estimate. The public and review team need

to know the estimated inventory and the method by which the estimate was derived to evaluate the appropriateness of the proposed management strategy. Similarly, numerous growth and yield models exist for projecting estimated future growth of forest stands. Knowing which models were used is needed to allow the project proponent, public and reviewing agencies to understand the assumptions and limitations of the projected growth and yield data being reported. Stratification of timber stands, for sampling purposes, increases the accuracy of these projections by dividing the area covered by the WFMP into homogenized stand types. Providing an expected accuracy determines the percent of the area that must be sampled, and the level of stratification needed to provide a minimum level of confidence in the accuracy of the current inventory and projected growth and yield information.

These provisions are substantially the same as PRC § 4597.2(c)(3), except the Board, in provision (1), replaced “stand type” with “Major Stand Type”, the term defined, pursuant to § 1094.2(d), that the Board deemed relevant and necessary for clarity. In provision (3), the Board made specific reasonable constraints by providing example, which was informed by 913.11[933.11, 953.11](a)(1), and which was necessary for clarity. The Board determined that this specificity was necessary to assure that a LTSY estimate reflected a balance between growth and yield and the social, economic and physical constraints of forest management.

Adopt § 1094.6(i) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of the property and planned activities and provides a leading statement that the description shall include the information as required in § 1094.6(i)(1)-(9), which is necessary to inform the regulated public of the contents required to be included in the description of the property and planned activities.

This provision is substantially the same as the beginning of PRC § 4597.2(f).

Adopt § 1094.6(i)(1)-(9) Contents of WFMP

The proposed adoptions specify that the description of the property and planned activities shall contain (1) Acres. (2) Projected growth. (3) Existing stand types. (4) Major Stand Types or Strata. (5) Current projected growth by Strata. (6) Silvicultural method(s) to be applied to Strata to achieve LTSY. (7) Existing and projected timber volumes and tree sizes to be available for harvest. (8) Projected frequencies of harvest. and (9) Silvicultural method(s) to be applied during the initial harvest(s), projected future harvest(s) and method(s) used in the projected growth and yield to achieve LTSY. These provisions are necessary to facilitate review, operations, communication and enforcement.

Comment [TB4]: MGMT 040516

These provisions are necessary to provide additional clarity and enforceability above and beyond the NTMP rules, which do not substantially contain these provisions, and to make specific PRC § 4597.2(f), which these provisions are substantially the same as, except the Board deemed it necessary to require existing timber volumes be provided to capture baseline conditions. Additionally, the Board deemed it necessary to add

provision (9) to facilitate Department review and enforcement. Further, these provisions are necessary to allow the Department to effectively evaluate a LTSY estimate by requiring the RPF to provide specific forest characteristics and management information necessary to develop an accurate accounting of growth and yield.

Adopt § 1094.6(j) Contents of WFMP

The proposed adoption specifies that a WFMP shall contain an erosion control implementation plan with information as required by 14 CCR § 923.1(e) and that this requirement shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law.

This provision is necessary to disclose to the public and interdisciplinary review team how erosion will be prevented or mitigated throughout the WFMP area to assess whether implementation of the WFMP will have a significant impact on water quality and/or aquatic habitats.

This provision was informed by PRC § 4597.2(d), which states that a WFMP shall contain “A description and discussion of the methods to be used to avoid significant sediment discharge to watercourses from timber operations. This shall include disclosure of active erosion sites from roads, skid trails, crossings, or any other structures or sites that have the potential to discharge sediment attributable to timber operations into waters of the state in an amount deleterious to the beneficial uses of water, an erosion control implementation plan, and a schedule to implement erosion controls that prioritizes major sources of erosion. This subdivision shall not apply to the extent that the registered professional forester provides documentation to the department that the working forest management plan is in compliance with similar requirements of other applicable provisions of law.” The Board’s Management Committee was in contact with a representative of AB 904’s author throughout the regulatory development of the WFMP. According to these conversations “potential erosion sites” were specifically excluded from PRC § 4597.2(d). However, the Board ultimately decided to make § 1094.6(j) congruent with the Road Rules, adopted in 2014, which the Board deemed necessary to minimize confusion and in response to requests by representatives of CGS, WQ, and the public.

Additionally, the Board decided to retain, from PRC § 4597.2(d), the exception that this requirement shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law. This provision is included to prevent requiring a landowner who already has an approved plan in place for treating controllable sediment discharges from having to perform redundant work to comply with this subdivision. As an example, NTMP holders under the jurisdiction of the North Coast Regional Water Quality Control Board (NCRWQCB) may have an Erosion Control Plan (ECP) identifying all sites across the NTMP and an implementation schedule for treating these sites. If a NTMP holder were to add additional acreage and apply for a WFMP, this ECP could meet the requirements of §1094.6(j). See the NCRWQCB website for more information about the

ECP

(http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/northcoast_industrial_tmops/).

Adopt § 1094.6(k) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain special provisions to protect unique areas, if any, within the WFMP area and is necessary to facilitate review, operations, communication and enforcement.

Unique areas means special treatment areas defined in 14 CCR 895.1, 912, 932, and 952, pursuant to 14 CCR § 895.1.

This provision is substantially the same as PRC § 4597.2(e). The placement of this provision in the Plan content goes above and beyond the NTMP rules, in which this provision is only in Notice content, specifically 14 CCR § 1090.7(j). For the WFMP, the Board decided to require this provision in both the Plan and Notice content to facilitate review.

Adopt § 1094.6(l) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of Late Succession Forest Stands and provides a leading statement that in addition to their biological legacies and hardwoods, in the Plan area, their acreage, composition, structure, and how the total acreage of this type of habitat will be maintained across the Plan area under a constraint of no net loss, the description shall include the information as required in § 1094.6(l)(1)-(2). This is necessary for clarity to inform the regulated public of the contents required to be included in the description of Late Succession Forest Stands. The provision also states that nothing in this provision shall be interpreted to preclude active management on any given acre of an approved Plan if the management is conducted in a manner that maintains or enhances the overall acreage of Late Succession Forest Stands that existed in the Plan area upon initial Plan approval and informs the regulated public that an exception to the no net loss constraint may be granted in the event of a catastrophic loss due to emergency factors such as wildfire, insect, and disease activity.

This provision is substantially the same as the preamble in PRC § 4597.2(g)(1), except that the Board made more specific the information to be included in the description of Late Succession Forest Stands, by adding “their biological legacies and hardwoods, in the Plan area, their acreage, composition, structure” which the Board deemed necessary to facilitate review. This provision was also informed by 14 CCR § 919.16.

Adopt § 1094.6(l)(1)-(2) Contents of WFMP

The proposed adoptions specify that the description of Late Succession Forest Stands shall contain (1) Retention measures for existing biological legacies such as snags, trees with cavities or basal hollows, and down logs, and address how legacies shall be managed over time as appropriate with the forest type, climate, and timberland owner's forest fire fuels and wildlife management objectives. and (2) Hardwood tree species and how they will be managed over time.

These provisions are necessary to facilitate review, operations, communication and enforcement. Specifically, to facilitate evaluation by the project proponent, public and interdisciplinary review team regarding how the habitat provided by Late Successional Forest Stands and hardwoods will be managed over time by implementation of the WFMP. Management of these features is allowed under the WFMP provided the total acreage is not reduced so it is necessary to provide a description of how these features will be retained or new features will be developed during management activities.

These provisions are substantially the same as PRC § 4597.2(g)(1)(A)-(B).

Adopt § 1094.6(m) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall provide disclosures and delivers a leading statement that disclosures shall include the information as required in § 1094.6(m)(1)-(3), which is necessary to inform the regulated public of the disclosures required to be included in the WFMP and for clarity.

This provision is substantially the same as the beginning of PRC § 4597.2(h).

Adopt § 1094.6(m)(1)-(3) Contents of WFMP

The proposed adoptions specify that the WFMP shall include disclosure of (1) State or federally listed threatened, candidate, endangered, or rare plant or animal species known locations within the biological assessment area and the WFMP, their status and habitats, take avoidance methodologies, enforceable protection measures for species within or adjacent to the WFMP and habitats within the WFMP area, and how forest management will maintain species and habitats over time; (2) Any known locations of plant or animal species pursuant to 14 CCR § 15380(d) within the biological assessment area and the WFMP and (3) Information on the presence and known locations of individual Sensitive Species pursuant to 14 CCR § 895.1 adjacent to or within the WFMP or their key habitats within the WFMP.

These provisions are necessary to address the conservation of sensitive plants and animals resources during implementation of WFMPs and to facilitate review, operations, communication and enforcement. Specifically, the disclosure of the presence of sensitive plants and animals within the assessment area that may be impacted by implementation of the WFMP facilitates evaluation by the project proponent, public and interdisciplinary review team of the mitigation measures proposed to prevent impacts to these species.

These provisions make specific PRC § 4597.2(h) and were informed by 14 CCR § 1090.5 (n), but these provisions go above and beyond the NTMP rules, which do not wholly contain these provisions, which was deemed necessary to provide additional clarity and to further facilitate review and enforcement.

Provision (1) is substantially the same as PRC § 4597.2(h), except the Board made specific the locations within which species disclosure must occur by adding “the WFMP”, which was deemed necessary for clarity. The Board also made specific the

area for species and habitat for which enforceable protection measures must be disclosed by adding measures for species “within or adjacent to the WFMP” and habitats “within the WFMP area”, which was deemed necessary for clarity.

Provision (2) was developed in conjunction with the California Department of Fish and Wildlife (CDFW).

In Provision (3), the Board deemed that it was not necessary to make the term “key habitats” more specific based on comment received from the CDFW at the 03/24/16 WFMP Workshop. This term is in the existing NTMP rules and no issues on the application of it have been reported to date. “Key habitats” is specific to the specific Sensitive Species and site and may include, snags, soils and streams and may be assessed on the basis of what Sensitive Species might be expected to occur within the Plan area.

Adopt § 1094.6(n) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of each Management Unit and provides a leading statement that the description shall include the information as required in § 1094.6(n)(1)-(3). This is necessary for clarity to inform the regulated public of the contents required to be included in the description of each Management Unit.

This provision is substantially the same as the preamble in PRC § 4597.2(i)(1).

Adopt § 1094.6(n)(1) Contents of WFMP

The proposed adoption specifies the description of each Management Unit shall include the acres by Stand or Strata and estimated growth and yield for each planned harvest entry covering the period of time the LTSY plan establishes as necessary to meet growth and yield objectives. It further specifies that the growth and yield estimates may be based on weighted average of yield for the Major Stand Type(s) or Strata within the area included in the Management Unit. Finally, the proposed adoption is a preamble that provides a leading statement that the information as required in § 1094.6(n)(1)(A)–(C) be included in the growth and yield estimates. This is necessary for clarity to inform the regulated public of the contents required to be included in the in the growth and yield estimates.

This provision is necessary to allow the project proponent, public and the Department to effectively evaluate the growth and yield

This provision is substantially the same as PRC § 4597.2(i)(1)(A), except the Board, replaced “stand type” with “Major Stand Type”, the term defined, pursuant to § 1094.2(d), that the Board deemed relevant and necessary for clarity.

Adopt § 1094.6(n)(1)(A)-(C) Contents of WFMP

The proposed adoptions specify that the WFMP shall include a description of each Management Unit that shall include growth and yield estimates that shall include (A)

Existing and Projected timber volumes and tree sizes to be available for harvest. (B) Existing stocking levels. and (C) Potential pest and protection problems.

These provisions are necessary to allow the project proponent, public and the Department to effectively evaluate the growth and yield

§ 1094.6(n)(1)(A) is substantially the same as 14 CCR § 1090.5(h), except the Board added the requirement that the existing timber volumes and tree sizes to be available for harvest be provided to insure that baseline conditions are captured.

§ 1094.6(n)(1)(B) was informed by 14 CCR § 1090.5(g), which includes the requirement that present stocking levels for each Management Unit be provided.

§ 1094.6(n)(1)(C) was also informed by 14 CCR § 1090.5(g), which includes the requirement that potential pest or protection problems for each Management Unit be provided.

Adopt § 1094.6(n)(2)-(3) Contents of WFMP

The proposed adoptions specify the description of each Management Unit shall also include the Management Unit history and yarding methods to be used.

These provisions are necessary for the project proponent, public and interdisciplinary review team to evaluate the expected impacts associated with implementation of the WFMP for each Management Unit.

§ 1094.6(n)(2) was informed by 14 CCR § 1090.5(g), which includes the requirement that stand management history for each Management Unit be provided.

§ 1094.6(n)(3) is substantially the same as PRC § 4597.2(i)(1)(B) and was informed by 14 CCR § 1090.5(i), which includes the requirement that the type of yarding systems to be used for each Management Unit be provided. Regarding WFMP congruency with the NTMP, the Board decided not to include 14 CCR § 1090.5(i)(4) in the contents of the WFMP due to the perceived lack of clarity of that provision.

Adopt § 1094.6(o) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain an assessment for LTSY projections that project a reduction, over 100-year planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a Major Stand Type or for a Stand or Strata that make up greater than 10 percent and less than 25 percent of the WFMP area and provides a leading statement that the assessment shall include the information as required in § 1094.6(o)(1)-(4), which is necessary for clarity to inform the regulated public of the conditions that trigger an assessment and the contents of the assessment, if required.

This provision is necessary to obviate the degradation of habitat.

This provision is substantially the same as PRC § 4597.2(i)(2)(A), except adds “over 100-year planning horizon or shorter planning horizon until growth and yield are balanced” for clarity.

Adopt § 1094.6(o)(1)-(4) Contents of WFMP

The proposed adoptions specify that the WFMP shall contain an assessment, if required, that shall contain a narrative that (1) Addresses state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d), that timber operations could adversely impact by potential changes to habitat. (2) Addresses species habitat needs utilizing the “WHR system” described in “A Guide to Wildlife Habitats in California,” California Department of Fish and Wildlife, 1988, herein incorporated by reference, or comparable typing system approved by the Director after consultation with the California Department of Fish and Wildlife. (3) Addresses constraints to timber management, the impact of the availability and distribution of habitats on the ownership and within the cumulative impacts assessment area identified in the Plan in relation to the harvest schedule, and the impacts of the planned management activities utilizing the existing habitat as the baseline for comparison. and (4) Discusses and includes feasible measures planned to avoid or mitigate potentially significant adverse impacts on fish or wildlife, which can include, but is not limited to, recruitment or retention of large down logs greater than 16 inches in diameter and 20 feet in length, retention of trees with structural features such as basal hollows, cavities, large limbs, or broken tops, retention of hardwoods, and retention or recruitment of snags greater than 24 inches in diameter and 16 feet in height.

These provisions are necessary to obviate the degradation of habitat. Specifically these provisions are necessary to provide disclosure of species habitat needs and provide conservation measures for wildlife species that may be negatively affected by operations under a WFMP and are necessary to provide disclosure of potential impacts of timber operations conducted under the WFMP on a temporal basis both within the plan area in contrast to the cumulative impacts assessment area. Additionally, these provisions are necessary to provide conservation measures for biological legacies and habitat elements located within the boundaries of WFMPs.

These provisions are substantially the same as PRC § 4597.2(i)(2)(A)(i)-(iv), except the Board made specific PRC § 4597.2(i)(2)(A)(i) by replacing “candidate, threatened, endangered, and sensitive species, and other fish and wildlife species” with “state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d),” which is necessary for clarity. The Board also made specific PRC § 4597.2(i)(2)(A)(ii) by qualifying “or comparable typing system” with “approved by the Director after consultation with the California Department of Fish and Wildlife”, which was also necessary for clarity. Both of these modifications to statute were done in consultation with CDFW.

Adopt § 1094.6(p) Contents of WFMP

The proposed adoption specifies that a WFMP shall contain a certification by the RPF preparing the Plan that the RPF or the RPF's Supervised Designee has personally inspected the Plan area and has clearly explained to the Working Forest Landowner(s) that the Plan is a long-term commitment that may require ongoing investments, including inventory sampling and logging road maintenance, for the purpose of managing the Plan.

This provision is necessary to clarify the professional role and standards of RPFs in regards to familiarity with the plan area and interaction with the Working Forest landowner(s). This provision is also necessary for the Working Forest Landowner to enter into a WFMP with the knowledge that entering this agreement obligates them to periodic capital outlays in order to continue to manage their forestlands under this Plan. Development of a WFMP requires a significant commitment of resources by a landowner. Requiring this disclosure ensures that predictable costs will not be realized until future years do not come as a surprise to the landowner.

This provision is substantially the same as PRC § 4597.2(j) and (k) and the first part is substantially the same as 14 CCR 1090.5(ii).

Adopt § 1094.6(q) Contents of WFMP

The proposed adoption is a preamble that specifies that a WFMP shall contain a description of a future schedule of inventory sampling and analysis of LTSY and provides a leading statement that the description shall consider the information as required in § 1094.6(q)(1)-(3), which is necessary for clarity to inform the regulated public of the information to be considered in a description of a future schedule of inventory sampling and analysis of LTSY.

This provision was informed by PRC §§ 4597.2(c) and 4597.2(f). It is necessary to provide additional clarity, encourage accountability and to facilitate review and enforcement above and beyond the NTMP rules, which do not substantially contain this provision.

Adopt § 1094.6(q)(1)-(3) Contents of WFMP

The proposed adoptions specify that the description of a future schedule of inventory sampling and analysis of LTSY shall consider (1) Site class, projected growth and yield and harvest(s). (2) Original projections or model calibration and accuracy. and (3) Episodic events including disease and drought caused tree mortality, windthrow, fire and reforestation.

These provisions were informed by PRC §§ 4597.2(c) and 4597.2(f) and are necessary to provide additional clarity, encourage accountability and to facilitate review and enforcement above and beyond the NTMP rules, which do not substantially contain these provisions.

These provisions are necessary to enable compliance and facilitate enforcement regarding the periodic update of inventory sampling and analysis of LTSY. This is

necessary to check the accuracy of the original projections, and account for unforeseen events that may impact the realization of those projections.

Specifically, the necessity of § 1094.6(q)(1) is to assure that RPFs take into consideration any potential changes in site class, rates of observable growth and harvesting that has, or may, occur into consideration in future LTSY projections.

Specifically, the necessity of § 1094.6(q)(2) is to assure that RPFs take into consideration technical information from past projections to compare and contrast against future projections for the purposes of verification and calibration of future LTSY projections.

Specifically, the necessity of § 1094.6(q)(3) is to assure that RPFs take into consideration any affects from biotic or abiotic changes to the environment. It is recognized that growth and yield projections could be significantly altered based on changes in environmental conditions and therefore accounted for in LTSY projections.

Adopt § 1094.6(r) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of any cultural or historical resources known to exist with a description of possible impacts and protection methods to be used during timber operations.

This provision is necessary to prevent the degradation of cultural and historical resources during implementation of the WFMP.

Pursuant to the definition of "Native American Archaeological or Cultural Site", in 14 CCR § 895.1, "Native American Archaeological" and "Cultural" are used interchangeably. Regarding the application of these terms and the term "historical", RPFs must complete training and be certified to be qualified to prepare a Confidential Archaeological Addendum, which means the archaeological and historical resources survey and impact assessment report prepared for a proposed timber operation. During this training RPFs become proficient with the application of these terms.

This provision is substantially the same as 14 CCR § 1090.5(k), the comparable provision in the NTMP rules.

Adopt § 1094.6(s) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain disclosure regarding whether a timberland conversion certificate is in effect, its date of expiration, and its identification number.

This provision is necessary to make known to the public and interdisciplinary review team whether any portion of the proposed WFMP area is planned to be devoted to uses other than the growing of timber to evaluate the impacts of these other uses.

This provision is substantially the same as 14 CCR § 1090.5(l), the comparable

provision in the NTMP rules.

Adopt § 1094.6(t) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain disclosure regarding whether a timber harvesting plan is on file with the Department for any part of the Plan area and if a Report of Satisfactory Stocking has been issued by the Department (show Plan number).

This provision is necessary to make known to the public and interdisciplinary review team whether any portion of the proposed WFMP is under an active permit for timber management activities, and whether all obligations of that permit have been met. It is likely that landowners developing a WFMP will be already engaged in active management of their timberlands to, at least in part, generate the capital required to develop a WFMP. These active plans/operations need to be accounted for in any descriptions of the baseline environmental conditions in the development of the WFMP.

This provision is substantially the same as 14 CCR § 1090.5(m), the comparable provision in the NTMP rules.

Adopt § 1094.6(u) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of potential impacts to, and protections for, the quality and beneficial uses of water.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate evaluation of whether implementation of the WFMP will have a significant impact on the beneficial uses of water. This provision may, in part, be satisfied by the information received pursuant to § 1094.3(g), which requires the noticing identified in 14 CCR § 1032.10, requesting information on domestic water supplies.

This provision is substantially the same as 14 CCR § 1090.5(o), the comparable provision in the NTMP rules.

Adopt § 1094.6(v) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of how the site preparation standards and stocking standards of the selected silvicultural method, or that level of stocking above the minimum that will achieve long term sustained yield (LTSY), will be met.

This provision is necessary to provide information to the public and interdisciplinary review team to evaluate whether implementation of the WFMP will have a significant impact on the productivity of the state's timberlands.

This provision is substantially the same as 14 CCR § 1090.5(r), the comparable provision in the NTMP rules, except that the Board added "of the selected silvicultural method, or that level of stocking above the minimum that will achieve long term

sustained yield (LTSY)”, which was informed by 14 CCR § 913.10 [933.10, 953.10](a)(1). This addition was in response to the Department’s concern that stocking under NTMPs is being reduced to the minimum stocking standards as opposed to stocking commensurate with LTSY, so the Board added this phrase for clarity.

Adopt § 1094.6(w) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of slash treatment for site preparation, fire protection and pest protection consideration.

This provision is necessary to provide information to the public and interdisciplinary review team to facilitate evaluation of whether slash treatment is commensurate with site preparation and adequately mitigates fire and pests.

This provision is substantially the same as 14 CCR § 1090.5(t), the comparable provision in the NTMP rules.

Adopt § 1094.6(x) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of the cumulative impacts analysis with supporting information, including impact(s) of projected timber operations over the life of the Plan.

This provision is necessary to provide information to the public and interdisciplinary review team to facilitate evaluation of whether successive management activities associated with implementation of the WFMP will lead to cumulative impacts to public trust resources.

This provision is substantially the same as 14 CCR § 1090.5(u), the comparable provision in the NTMP rules, except the Board replaced “effects” with “impacts” to make consistent with “Cumulative impacts”, a defined term in 14 CCR 895.1, although “effects” and “impacts” are considered synonymous.

Additionally, a cumulative impacts assessment is required pursuant to Technical Rule Addendum No. 2 (14 CCR § 912.9 [932.9, and 952.9])

Adopt § 1094.6(y) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a copy of the California Forest Practice Rules in effect at the time of WFMP approval, which The Department shall make available.

This provision is necessary for the Working Forest Landowner to be knowledgeable of the provisions of the FPRs at the time of WFMP approval because the WFMP is a long-term permit and the Forest Practice Rules (FPRs) will change over time. A copy of the FPRs in effect at the WFMP approval is also critical in the application of §§ 1094.8(j)(2) and 1094.23(a)(2).

This provision is substantially the same as 14 CCR § 1090.5(v), the comparable

provision in the NTMP rules, except the Board made specific the responsibility for providing the FPRs lies with the Department rather than the plan submitter. The Department accepted this responsibility given that the agency is the repository of the FPRs and it makes sense for the Department to provide this information in lieu of the plan submitter.

Adopt § 1094.6(z) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain explanation and justification for, and specific measures to be used for, tractor operations on unstable areas, on slopes over 65%, and in areas where slopes average over 50% where the EHR is high or extreme.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether implementation of the WFMP adequately mitigates potential significant impacts from ground based operations on steep or unstable slopes.

This provision is substantially the same as 14 CCR § 1090.5(y), the comparable provision in the NTMP rules.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(aa) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain explanation and justification for tractor operations in areas designated for cable yarding.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether implementation of the WFMP adequately mitigates potential significant impacts from ground based operations in areas designated for cable yarding.

This provision is substantially the same as 14 CCR § 1090.5(z), the comparable provision in the NTMP rules.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(bb) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a winter period operating plan where appropriate.

The winter period operating plan is described in 14 CCR § 914.7 [934.7, 954.7](b).

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether implementation of the WFMP adequately mitigates potential significant impacts from winter operations. Special consideration is given to winter operations given soils are more likely to be saturated and operations can cause compaction, with an associated reduction of productivity, or delivery of sediment to a watercourse, with associated impacts on timber production, water quality and aquatic habitats.

This provision is substantially the same as 14 CCR § 1090.5(aa), the comparable provision in the NTMP rules.

Adopt § 1094.6(cc) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain explanation and justification for use of landings, logging roads and skid trails in the protection zones of Watercourses, Lakes, Wet Meadows, or Other Wet Areas.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether implementation of the WFMP adequately mitigates potential significant impacts to watercourses. The potential for a road, landing, or skid trail to deliver sediment to a watercourse, impacting water quality and aquatic habitats, increases with its proximity to the watercourse.

This provision was informed by 14 CCR § 1090.5(bb), the comparable provision in the NTMP rules, which requires that the NTMP contain explanation and justification for use of watercourse, marshes, wet meadows, and other wet areas as landings, roads, or skid trails. The Board expanded the area for which an explanation and justification was required, above and beyond the NTMP rules, to the protection zone of these resources, which was deemed necessary for protection of them under a WFMP because it is a permanent Plan.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(dd)-(ff) Contents of WFMP

The proposed adoptions specify that the WFMP shall contain (dd) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake protection. (ee) Explanation of alternatives to standard rules for harvesting and erosion control. and (ff) Explanation and justification for landings that exceed the maximum size specified in the rules.

These provisions are necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether alternatives to the standard rules proposed in the WFMP provide equal or better protection to public trust resources as compared to the standard rules.

These provisions are substantially the same as 14 CCR § 1090.5(cc)-(ee), the

comparable provisions in the NTMP rules.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(gg) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion control measures.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether the mitigations proposed in the WFMP are adequate to prevent significant impacts from surface erosion or mass wasting.

This provision is substantially the same as 14 CCR § 1090.5(p), the comparable provision in the NTMP rules.

Adopt § 1094.6(hh) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of the existing and proposed road system to be used in implementation of the WFMP, including the diameter of any permanent culverts on Class I, II, or III Watercourses and the methods used to determine the diameter.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of whether the road system to be used during implementation of the WFMP may cause significant impacts to public trust resources.

This provision is substantially the same as 14 CCR § 1090.5(q), the comparable provision in the NTMP rules, except that the Board incorporated “including the diameter of any permanent culverts on Class I, II, or III Watercourses and the methods used to determine the diameter”, which was informed by 14 CCR § 923.9(e) and 1090.5(w)(7) and which the Board deemed necessary for congruency with the Road Rules, adopted in 2014, and to facilitate review.

Adopt § 1094.6(ii) Contents of WFMP

The proposed adoption specifies that the WFMP shall contain a description of Lakes, Wet Meadows and Other Wet Areas.

This provision goes above and beyond the NTMP rules, which do not contain this provision, but that the Board deemed necessary to provide information to the project proponent, public and interdisciplinary review team to facilitate the evaluation of the types of aquatic resources that may be at risk to impacts from implementation of the WFMP.

Adopt § 1094.6(jj) Contents of WFMP

The proposed adoption specifies that under a WFMP an RPF may propose, and the Director may approve, a standard operating practice(s) that could be utilized in site-specific locations during future operations under an approved WFMP. Standard operating practices are limited to contents pursuant to 14 CCR §§ 1094.6(z) and 1094.6(cc).

This provision was developed through consultation with representatives from California Licensed Foresters Association (CLFA) and the Department. It was recognized that it could be very difficult for an RPF to cover a WFMP, which could contain up to 15,000 acres, with the necessary intensity to locate every use described in § 1094.6(z) and (cc), and which are generally the most common exception to the rules. Therefore, this provision was developed to provide flexibility to RPFs and landowners who want to develop standardized best management practices for these uses.

This provision is necessary to provide information to the project proponent, public and interdisciplinary review team about programmatic ways in which tractor operations on steep or unstable slopes and roads and landings in close proximity to watercourses will be treated during implementation of the WFMP to facilitate review, communication, operations and enforcement.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(jj)(1) Contents of WFMP

The proposed adoption specifies a representative sample of each type of proposed standard operating practice(s) shall be flagged in the field by the RPF, or Supervised Designee, and available for field review by the interdisciplinary review team.

This provision was developed through consultation with representatives from California Licensed Foresters Association (CLFA) and the Department and was deemed necessary to facilitate field review by the interdisciplinary review team, to allow them the opportunity to inspect the proposal by the RPF to facilitate their review of whether the proposed standard operating practice(s) is reasonable and adequately protects the resources at risk.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(jj)(2) Contents of WFMP

The proposed adoption specifies for locations where the prescribed standard operating practice(s) will not adequately address the site specific conditions, the RPF, through consultation with the multi-disciplinary review team, may develop alternative mitigations that shall be incorporated into the WFMP through a deviation prior to submittal of a

Working Forest Harvest Notice for the area in which the developed mitigation measure(s) applies and is located.

This provision was developed through consultation with representatives from California Licensed Foresters Association (CLFA) and the Department to address the instances where a standard operating practice has been developed and approved for uses described in 14 CCR §§ 1094.6(z) and (cc), but is found to be insufficient to address the environmental condition of specific sites. As a consequence of this provision, the RPF would be allowed to develop an alternative mitigation measure, which would have to be incorporated into the approved WFMP through a deviation prior to submittal of a WFHN that covers the area in which the specific sites, for which the newly developed mitigation measure(s) were established, is located. It was recognized that it could be very difficult for an RPF to cover a WFMP, which could contain up to 15,000 acres, with the necessary intensity to locate every use described in § 1094.6(z) and (cc), and which are generally the most common exception to the rules. By the same token, it would be difficult to identify all locations that a developed standard operating procedure(s) would not apply. Therefore, this provision was developed to provide RPFs and landowners with the necessary flexibility to fully address all necessary conditions of a specific location(s) where a standard operating practice(s) would not sufficiently work, and to provide a process in which the newly developed mitigation measures would be documented and incorporated into the approved WFMP.

For further clarification, see “Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)” at the end of the § 1094.6 necessity statements.

Adopt § 1094.6(kk) Contents of WFMP

The proposed adoption specifies that proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

During development of the proposed draft regulations, the Board received comment from landowners requesting protection of proprietary information that may be contained within a proposed or approved WFMP. This provision is necessary to provide Working Forest Landowners an expectation that proprietary information submitted to the Department will remain confidential. Landowners are specifically sensitive about disclosing growth and yield data to competitors or potential purchasers of their forest products. However, this information is important for the Department to review as part of a comprehensive evaluation of the WFMP. This provision ensures that providing this information will not result in the Working Forest Landowner being placed at a competitive disadvantage in the marketplace.

This provision goes above and beyond the NTMP rules, which do not contain this provision, but that the Board deemed necessary to include in response to the comment received. This provision was informed by 14 CCR § 1091.4.5(b).

Aggregated Explanation regarding Exceptions, In Lieu or Alternatives to the

Standard Rules and Standard Operating Practice(s) specific to § 1094.6 (z), (aa), (cc)-(ff) and (jj)

Given that the WFMP rules are based on the NTMP rules and exceptions, in lieu or alternatives exist in the NTMP rules, the Board determined allowing exceptions, in lieu or alternatives to the standard rules was congruent with statute. However, exceptions, in lieu or alternatives to the standard rules require additional information. Following is a crosswalk to the additional information that is required and which the Board deemed necessary to facilitate the evaluation by the project proponent and the Department of the exception, in lieu or alternative in terms of whether it will result in a significant adverse environmental impact.

- (z) Explanation and justification for, and specific measures to be used for, tractor operations on unstable areas, on slopes over 65%, and in areas where slopes average over 50% where the EHR is high or extreme. The project proponent must comply with 14 CCR § 914.2 [934.2, 954.2](f)(3).
- (aa) Explanation and justification for tractor operations in areas designated for cable yarding. The project proponent must comply with 14 CCR § 914.3 [934.3, 954.3](e).
- (cc) Explanation and justification for use of landings, logging roads and skid trails in the protection zones of Watercourses, Lakes, Wet Meadows, or Other Wet Areas. The project proponent must comply with 14 CCR § 923 [943, 963](c) and 1094.6(e)(4)(B).
- (dd) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake protection. The project proponent must comply with 14 CCR §§ 916.1 [936.1, 956.1] and 916.6 [936.6, 956.6].
- (ee) Explanation of alternatives to standard rules for harvesting and erosion control. The project proponent must comply with 14 CCR § 914.9 [934.9, 954.9].
- (ff) Explanation and justification for landings that exceed the maximum size specified in the rules. The project proponent must comply with 14 CCR § 1094.6(e)(5).

In general, the Forest Practice Rules provide for the RPF to propose, and gives the Director discretion to approve, exceptions, in lieu or alternatives to the standard rules when site specific conditions in the field require it and can be shown to substantially lessen significant adverse impacts on the environment from timber harvesting. However, the Director has broad discretion to ask for more information to ensure that the project will not cause a significant adverse impact. Usually, at a minimum, the project proponent will need to evaluate the exception as compared to the standard rule through the prism of substantially lessening significant adverse impacts.

Other examples of exceptions, in lieu or alternatives to the standard rules include 14 CCR § 923 [943, 963](c) which provides this flexibility specific to Logging Roads and landings, 14 CCR § 916.3 [936.3, 956.3](c) which provides this flexibility for skid trail use in the WLPZ, 14 CCR § 923.9 [943.9, 963.9](e)(1) which provides this flexibility with regard to flagging logging road water course crossings, 14 CCR § 923.6 [943.6, 963.6](g) which provides this flexibility for log hauling or other heavy equipment use during the winter period and 14 CCR § 923.1 [943.1, 963.1](d) which provides this

flexibility for the planning and siting of logging roads and landings to avoid unstable areas and connected headwater swales.

Pursuant to § 1094.6(jj), a RPF may propose, and the Director may approve, a standard operating practice(s) in a WFMP that could be utilized in site-specific locations identified in the WFHN during future operations under an approved WFMP. Specifically, § 1094.8(t) requires that the project proponent describe the standard operating practice(s) to be implemented within the area covered under the Working Forest Harvest Notice and § 1094.8(u)(12) requires that the project proponent map the location(s) of standard operating practice(s) to be implemented within the area covered under the WFHN.

Standard operating practices are limited to contents pursuant to 14 CCR §§ 1094.6(z) and 1094.6(cc):

- specific measures to be used for, tractor operations on unstable areas, on slopes over 65%, and in areas where slopes average over 50% where the EHR is high or extreme.
- use of landings, logging roads and skid trails in the protection zones of Watercourses, Lakes, Wet Meadows, or Other Wet Areas.

However, the project proponent is required to provide, pursuant to § 1094.6 (jj)(1) and (2), the following:

- (1) A representative sample of each type of proposed standard operating practice(s) shall be flagged in the field by the RPF, or Supervised Designee, and available for field review by the interdisciplinary review team.
- (2) For locations where the prescribed standard operating practice(s) will not adequately address the site specific conditions, the RPF, through consultation with the multi-disciplinary review team, may develop alternative mitigations that shall be incorporated into the WFMP through a deviation prior to submittal of a Working Forest Harvest Notice for the area in which the developed mitigation measure(s) applies to is located.

The Board deemed that the effects of these exceptions, in lieu or alternatives to the standard rules (§ 1094.6, subsections (z), (aa), (cc)-(ff)) and standard operating practice(s) (§ 1094.6 (jj)) will be adequately mitigated during plan review. The contents of the WFMP will be analyzed through a CEQA equivalent process when the WFMP is reviewed, which includes review by the interdisciplinary review team and public and receipt of public comment prior to plan approval.

Adopt § 1094.8(u) Working Forest Harvest Notice Content

The proposed adoption is a preamble that specifies that a Working Forest Harvest Notice (WFHN) shall contain a United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile, and provides a leading statement that this map shall include the information as required in § 1094.8(u)(1)–(16). This provision provides further instruction that additional maps may be required to show specific details, and may be planimetric. Color coding on maps shall not be used unless additional black and white maps are provided to clearly show the same features. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages. Maps shall be updated to reflect current field conditions.

This provision is necessary to inform the regulated public of the type of map, scale of the map and the information to be included on the map and to facilitate timber operations under the WFHN.

This map is essential for the RPF and timber operator to conduct their duties efficiently and satisfactorily and for the Department to facilitate enforcement. It is necessary to display geographically the area and resources that will be impacted by timber operations under the WFHN. This map gives a clear depiction of the locations where operations will occur, and allows for an evaluation of the surrounding environmental conditions that may be impacted by these operations.

This preamble is substantially the same as the preamble in 14 CCR § 1090.7(n), the comparable provision in the NTMP rules, except that it has been made specific to the WFHN.

Adopt § 1094.8(u)(1) Working Forest Harvest Notice Content

The proposed adoption requires that the boundaries of area(s) where timber operations are to occur under the WFHN be mapped, which is necessary to facilitate operations and enforcement.

This provision was informed by 14 CCR § 1090.7(n)(1), the comparable provision in the NTMP rules. 14 CCR § 1090.7(n)(1) requires that the "Boundaries of area to be harvested" be mapped and was changed for the WFHN to "Boundaries of area(s) where timber operations are to occur" because the Board, for clarity, opted to use "timber operations", a defined term pursuant to § 895.1 and deemed this expansion necessary to facilitate enforcement by the Department.

Adopt § 1094.8(u)(2) Working Forest Harvest Notice Content

The proposed adoption requires boundaries of areas for specified regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions that are to be applied be mapped, which is necessary to facilitate operations and enforcement.

This provision is substantially the same as 14 CCR § 1090.7(n)(2), the comparable provision in the NTMP rules.

Adopt § 1094.8(u)(3) Working Forest Harvest Notice Content

The proposed adoption requires the boundaries of area(s) for specified yarding (logging) systems, if more than one (1) system is to be used, be mapped, which is necessary to facilitate operations and enforcement.

This provision is substantially the same as 14 CCR § 1090.7(n)(3), the comparable provision in the NTMP rules.

Adopt § 1094.8(u)(4) Working Forest Harvest Notice Content

The proposed adoption is a preamble that specifies that the location of all roads to be used for, or potentially impacted by, timber operations shall be mapped and provides a leading statement that the information as required in § 1094.8(u)(4)(A)–(E) shall be included, which is necessary to inform the regulated public of the information required to be mapped.

This provision is substantially the same as the preamble in 14 CCR § 1094.6(e)(4). The Board deemed that the mapping requirements specified in § 1094.6(e) “Contents of WFMP” that are materially similar to the mapping requirements specified in 14 CCR § 1090.7(n) “Working Forest Harvest Notice Content”, after which § 1094.8(u) is being modelled, should be made the same for clarity and consistency. This provision was also informed by 14 CCR § 1090.7(n)(4).

Adopt § 1094.8(u)(4)(A)–(E) Working Forest Harvest Notice Content

The proposed adoptions specify that (A) The classification of all roads as permanent, seasonal, temporary, or deactivated (B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas, other than at road watercourse crossings (C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting sites (D) Public roads within one-quarter (1/4) mile of the harvest area and (E) The location of significant existing and potential erosion sites on all roads and landings pursuant to 14 CCR § 923.1(e) shall be mapped, which is necessary to facilitate operations and enforcement.

These provisions are substantially the same as § 1094.6(e)(4)(A)–(E). The Board deemed that these mapping requirements which are materially similar to the mapping requirements specified in 14 CCR § 1090.7(n)(4), after which § 1094.8(u) is being modelled, should be made the same for clarity and consistency. Additionally, in spite of the legislative intent for the WFMP to built upon the model of the NTMP and in spite of § 1094.8(u)(4)(A)–(E) not being wholly required to be mapped pursuant to the NTMP Notice of Timber Operations Content rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include these provisions. This is necessary to minimize confusion.

This provision was also informed by 14 CCR § 1090.7(n)(4).

Adopt § 1094.8(u)(5) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or whose construction involves substantial excavation shall be mapped, which is necessary to facilitate operations and enforcement.

The Board deemed that it was not necessary to make the term “substantial excavation” more specific based on comment received from CGS and the Department at the 01/26/16 Management Committee meeting. This term is in the existing THP rules, NTMP rules and PTHP rules and no issues on the application of it have been reported to date.

This provision was informed by 14 CCR § 1090.7(n)(5), the comparable provision in the NTMP rules, except that “Location of proposed and existing landings in the watercourse and lake protection zone” was not incorporated to eliminate redundancy because this is required by provision § 1094.8(u)(4)(B).

Adopt § 1094.8(u)(6) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of logging road failures on existing logging roads to be reconstructed shall be mapped, which is necessary to facilitate operations and enforcement.

This provision is substantially the same as 14 CCR § 1090.7(n)(6), the comparable provision in the NTMP rules, except that the Board replaced “road” with “logging road”, for clarity because “logging road” is a defined term pursuant to 14 CCR § 895.1.

Adopt § 1094.8(u)(7) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of all new permanent constructed and reconstructed, and temporary logging road watercourse crossings, including those crossings to be abandoned or deactivated shall be mapped, which is necessary to facilitate operations and enforcement.

This provision was informed by 14 CCR § 1090.7(n)(7), the comparable provision in the NTMP rules, which states that the location of all existing and proposed watercourse crossings on logging and tractor roads shall be mapped; if a permanent culvert is involved, its minimum diameter shall be provided. However, this provision was changed for congruency with the Road Rules, adopted in 2014, and is now substantially the same as 14 CCR §§ 1034(x)(6) and 923.9(e), except that the requirement in 14 CCR § 923.9(e), that the Plan specify the minimum diameter of the culvert (if the culvert is intended for permanent use) is in a separate provision in § 1090.7(r), but does not include the requirement that the method(s) used to determine the culvert diameter be provided. This information is required during the development of the WFMP and is specified in 14 CCR § 1090.5(hh).

Adopt § 1094.8(u)(8) Working Forest Harvest Notice Content

The proposed adoption specifies that the areas of low, moderate, high or extreme erosion hazard rating, if more than one (1) exists, shall be mapped, which is necessary to facilitate operations and enforcement.

This provision was informed by 14 CCR § 1090.7(n)(8), the comparable provision in the NTMP rules, except that the requirement that low and moderate erosion hazard ratings be mapped was added. The Board deemed that it was necessary to require that this information be mapped for ease of operations and enforcement given that different prescriptive measures are required for different erosion hazard ratings, such as waterbar spacing.

Adopt § 1094.8(u)(9) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of Lakes and Watercourse(s) with Class I, II, III or IV waters; and Wet Meadows and Other Wet Areas when operations are proposed pursuant to 14 CCR § 916.3(c) shall be mapped, which is necessary to facilitate operations and enforcement.

Comment [TB5]: MGMT 040516

This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(n)(9), with the inclusion of the Board defined term of Wet Meadows and Other Wet Areas (refer to 14 CCR § 895.1) to attain consistency with existing Board rules and regulations. 14 CCR § 1090.7(n)(9) requires the location of watercourse with Class I, II, III or IV waters be mapped.

Adopt § 1094.8(u)(10) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of known unstable areas or slides shall be mapped, which is necessary to facilitate operations and enforcement.

This provision is substantially the same as 14 CCR § 1090.7(n)(10), the comparable provision in the NTMP rules.

Adopt § 1094.8(u)(11) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of unique areas shall be mapped, which is necessary to facilitate operations and enforcement.

This provision is substantially the same as 14 CCR § 1090.7(n)(11), the comparable provision in the NTMP rules.

Adopt § 1094.8(u)(12) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of standard operating practice(s) to be implemented within the area covered under the Working Forest Harvest Notice shall be mapped, which is necessary to facilitate operations and enforcement.

This provision is related to § 1094.6(e)(18), which specifies that the location of standard operating practice(s), pursuant to § 1094.6(jj), do not have to be mapped during WFMP development, however, pursuant to this provision they are required to be mapped in

preparation of the WFHN.

The Board recognized that a WFMP, which could comprise up to 15,000 acres, could be very difficult to cover with the necessary intensity to locate every occurrence described in § 1094.6(z) and (cc), which may be numerous. Therefore, the Board offered flexibility during WFMP development pursuant to § 1094.6(e)(18) and § 1094.6(jj). In this provision the Board “closes the loop” requiring the location of standard operating practice(s) be mapped in the preparation of the WFHN.

Adopt § 1094.8(u)(13) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of logging roads and landings to be abandoned or deactivated shall be mapped, which is necessary to facilitate operations and enforcement.

In spite of the legislative intent for the WFMP to built upon the model of the NTMP and in spite of § 1094.8(u)(13) not being required to be mapped pursuant to the NTMP Notice of Timber Operations Content rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision. This is necessary to minimize confusion.

This provision is substantially the same as § 1094.6(e)(11) and was informed by 14 CCR § 1090.5(gg).

Adopt § 1094.8(u)(14) Working Forest Harvest Notice Content

The proposed adoption specifies that for all constructed and reconstructed logging roads and landings, the location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas shall be mapped, which is necessary to facilitate operations and enforcement.

In spite of the legislative intent for the WFMP to built upon the model of the NTMP and in spite of § 1094.8(u)(14) not being required to be mapped pursuant to the NTMP Notice of Timber Operations Content rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision. This is necessary to minimize confusion.

This provision is substantially the same as § 1094.6(e)(16)(D) and 14 CCR § 1034(x)(5)(E).

Adopt § 1094.8(u)(15) Working Forest Harvest Notice Content

The proposed adoption specifies that the location of all tractor road watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing shall be mapped, which is necessary to facilitate operations and enforcement.

In spite of the legislative intent for the WFMP to built upon the model of the NTMP and in spite of § 1094.8(u)(15) not being required to be mapped pursuant to the NTMP Notice of Timber Operations Content rules, for the purposes of congruency with the Road Rules, adopted in 2014, and in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision. This is necessary to minimize confusion.

This provision is substantially the same as 14 CCR § 1034(x)(7).

Adopt § 1094.8(u)(16) Working Forest Harvest Notice Content

The proposed adoption specifies that the location for which heavy equipment use is proposed on unstable areas, or on areas for which tractor use is proposed beyond the limitations of the standard forest practice rules shall be mapped, which is necessary to facilitate operations and enforcement.

In spite of the legislative intent for the WFMP to built upon the model of the NTMP and in spite of § 1094.8(u)(16) not being required to be mapped pursuant to the NTMP Notice of Timber Operations Content rules, in response to requests by representatives of CGS and WQ, the Board ultimately decided to include this provision.

This provision is substantially the same as 14 CCR § 1034(x)(15).

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.3(b)(3))

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action.

1. Assembly Floor Analysis on AB 904 prepared by Mario DeBernardo. September 6, 2013. <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>
2. Senate Appropriations Committee Fiscal Summary on AB 904 prepared by Marie Liu. September 3, 2013. <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>
3. California Department of Forestry and Fire Protection. *NTMP Expansion Study*. January, 2013.
4. California Department of Forestry and Fire Protection. *Non-industrial Timberland Management Plan Growth and Yield Guidelines*. March, 2006.
5. Excerpts from the Public Resources Code (PRC), 2014: §§ 752, 753, 4512, 4512.5, 4513, 4527, 4527.5, 4528.5, 4551, 4551.5, 4552, 4553, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4585-4588, 4593.10, 4597-4597.22, 4601, 4629.3, 21000(g), 21092 and 21160.
6. Excerpts from Government Code (GOV), 2015: § 6254.7
7. Excerpts from Title 14 of the California Code of Regulations (14 CCR), 2015: §§ 895, 895.1, 912.7 [932.7, 952.7], 913.2 [933.2, 953.2], 913.10 [933.10, 953.10], 913.11 [933.11, 953.11], 916.1 [936.1, 956.1], 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], 916.5 [936.5, 956.5], 919.9 [939.9], 919.11, 923 [943, 963], 923.1 [943.1, 963.1], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1032.9, 1032.10, 1034, 1035-1035.4, 1037.5, 1038, 1054, 1071, 1090-1090.27, 1092, 1093, 1104.1, 1115.3 and 15380(d).
8. Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings”
9. Memo from Richard A. Wilson regarding New Regulations for Sensitive Watersheds/Domestic Water Supplies and Late Successional Stage; New Silvicultural Regulations as Changed by the Board of Forestry. February 22, 1994.